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UINTAH, OURAY, COLVILLE, SPOKANE, MORANGO,
MISSION, AND SHERMAN INDIAN SCHOOLS

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE
CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS

FIRST SESSION

TO

INVESTIGATE INDIAN AFFAIRS

SEPTEMBER 15-OCTOBER 13, 1913

PART 1

Printed for the use of the Joint Commission



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CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS:

JOE T. ROBINSON, Arkansas, *Chairman*.

HARRY LANE, Oregon.

CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES:

JOHN H. STEPHENS, Texas.

CHARLES D. CARTER, Oklahoma.

CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.

ROSS WILLIAMS, Arkansas, *Clerk*.

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AUTHORIZATION ACT.

Created under "An Act Making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and fourteen," approved June 30, 1913, as follows:

For the purpose of making inquiry into conditions in the Indian Service, with a view to ascertaining any and all facts relating to the conduct and management of the Bureau of Indian Affairs, and of recommending such changes in the administration of Indian affairs as would promote the betterment of the service and the well-being of Indians, there is hereby constituted a commission to be known as the Joint Commission to Investigate Indian Affairs, to be composed of three Members of the Senate, to be appointed by the Presiding Officer of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker. The said commission be, and is hereby, directed, authorized, and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration. The commission shall have power and authority to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have and is hereby granted authority to subpoena witnesses, compel their attendance, administer oaths, and to demand any and all books, documents, and papers of whatever nature relating to the affairs of Indians as conducted by said bureau, its branches and agencies. Said commission is hereby authorized to visit any Indian agency, school, institution, or other establishment under the jurisdiction and control of the Bureau of Indian Affairs or the Department of the Interior, and it shall be the duty of the Secretary of the Interior, the Commissioner of Indian Affairs, and all other officers connected with the administration of Indian affairs to aid the said commission and furnish all available information that may be demanded by said commission.

The investigation hereby provided for shall be conducted by said commission as speedily as possible, and the findings, conclusions, and recommendations of such commission shall be reported to Congress during the Sixty-third Congress. Said commission is hereby authorized to employ such clerical and other assistance, including stenographers, as said commission may deem necessary in the proper prosecution of its work: *Provided*, That stenographers so employed shall not receive for their services exceeding \$1 per printed page. The sum of \$25,000 is hereby appropriated to pay the expenses of the said commission. Within ten days after the appointment of the members of the commission they shall proceed to elect a chairman and secretary, and the funds hereby appropriated shall be paid out on the order of such chairman and secretary, and a full, itemized account of all such expenditures shall accompany the final report of the commission when submitted to Congress.

UINTAH AND OURAY AGENCIES, UTAH.

MONDAY, SEPTEMBER 15, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Congress Hotel, Chicago, Ill.

The commission met at 4 o'clock p. m., pursuant to the call of the chairman.

The following members were present: Senator Joe T. Robinson (chairman), Senator Charles E. Townsend, and Representatives John H. Stephens and C. D. Carter.

STATEMENT OF ANGUS F. MCCOLL, 1444 ASTOR STREET, CHICAGO, ILL.

Angus F. McColl, being first duly sworn by the chairman, testified as follows:

Senator TOWNSEND. What I want to do, Mr. McColl, is to get your statement as a part of the record, and as clearly as I can, so that the commission will know just exactly what value to attach to the written statement you submit herewith. I want to ask you some questions which will go into the record along that line.

Mr. McCOLL. I would suggest that you get down to business. This [indicating] concerns the action of the Indian Department in suppressing some things that have been explained fully by Mrs. Gertrude Bonnin. She is a Sioux Indian woman and probably the most intelligent woman in the United States to-day.

Senator TOWNSEND. How do you spell her name?

Mr. McCOLL. B-o-n-n-i-n; Gertrude Bonnin.

Senator TOWNSEND. I think we will get along faster if I just ask questions for the information we want. I do not want to embarrass you, but we want to get the statement as brief as possible. Now, the statement which you have submitted here and signed is an outline of the facts which you would have this commission to consider?

Mr. McCOLL. Yes, sir.

Senator TOWNSEND. You have presented some papers here which you have prepared touching matters in connection with your service as financial clerk out at Uintah and Ouray Agencies?

Mr. McCOLL. Yes, sir.

Senator TOWNSEND. Now, there are certain charges which you make and number 1, 2, etc.

Mr. McCOLL. I have numbered them and entitled them "What was the matter at Uintah-Ouray?"

Senator TOWNSEND. I think there are about 15 charges which you have made. Do they state clearly what you would have the commission to understand as connected with those particular circumstances?

Mr. McCOLL. Yes, sir.

Senator TOWNSEND. I want now to call your attention to the matter of Mr. Greene. Will you tell us, as briefly as you can, what you complained about in reference to Mr. Greene?

Mr. MACCOLL. My charges are all set out fully in the statement that I submit to you herewith.

Senator TOWNSEND. These papers contain the answers to my questions, do they?

Mr. MACCOLL. Yes, sir. All complaints I have made are in there in regular order.

Senator TOWNSEND. You have made some statements that I want to get in the record—that Mr. Fisher, former Secretary of the Interior, discharged you from the service after you sent in your resignation and stated that you were unfit to be in the service as an improper person “to be retained in the service or to be allowed to resign from it.”

Mr. MACCOLL. Yes, sir; that is true.

Senator TOWNSEND. Did you retain any information from Mr. Fisher relating to the Indian Service about which he complains? And state specifically what it was.

Mr. MACCOLL. Well, it is possible that if I had remained in Washington a month or so and sent out for all my data and papers and got to work on it that I might have been able to formulate some very important matter for them, but I can't recall just what it is now. I think that I reported very thoroughly to Mr. Fisher before I left Uintah-Ouray about everything I knew in connection with the affairs out there. My mind is refreshed about one thing which I did not tell them about. But these things happen. A man by the name of George I. Harvey, who had been agent at the Pawnee Agency, resigned under charges so serious that he did not await the issue, but resigned, and his resignation was accepted. He was an all round crook and scoundrel. After I sent in my report on Harvey to Mr. Valentine he appeared to be very indignant and sent for Mr. Fry, and Mr. Harvey was reinstated. Nothing could have been more damaging to the Indian Service than such action as this. I might have reported to Mr. Fisher about this, but, Senator, I had been reporting to Mr. Fisher from about August until practically the time I left Uintah-Ouray, in January, and he showed no interest in my reports. I did not expect that the Secretary would tell me what action he would take on the matter I sent in there. I lost confidence in Mr. Fisher. He wrote me letters in which he told me to avoid friction. How could I avoid friction and do my duty? It was a thankless job.

Senator TOWNSEND. As financial clerk at Uintah-Ouray were you familiar with the administration of the affairs of the Indian Service?

Mr. MACCOLL. Yes, sir. I was not in charge and I was not admitted to the inner secrets, but I had access to all books and had, at first, access to the files. Mr. Greene notified me, after several months, that the files would not be open except through application to him.

Senator TOWNSEND. Do you know why he did that?

Mr. MACCOLL. I could only guess, because my duties kept me in the office very closely for several months. I did not go out on the reservation as much as I wanted to.

Senator TOWNSEND. What were your duties as financial clerk?

Mr. MACCOLL. I kept the individual accounts of the Indians. I made my reports once a month, and I helped the clerk with his work. Our office hours were from 8 to 5, and I always had something to do. There were sales of lands and there was a lot of work in connection with that.

Senator TOWNSEND. Did Greene, or Fisher, or anybody else complain that you were exceeding your authority?

Mr. MACCOLL. No, sir; Mr. Fisher did not complain directly to me.

Senator TOWNSEND. Were any men discharged from the service because of reports you made against them?

Mr. MACCOLL. Mr. Bonnin was forced out of the service.

Senator TOWNSEND. Because of reports you made against him?

Mr. MACCOLL. That was merely an assumption on his part.

Senator TOWNSEND. You did not report anything against him?

Mr. MACCOLL. No, sir.

Senator TOWNSEND. What was done about these rascals, as you call them, after you reported on them?

Mr. MACCOLL. The only man I consider a rascal is Greene. I do not like to call Capt. Reese a rascal. He is an honest man.

Senator TOWNSEND. Is he still there?

Mr. MACCOLL. No, sir; he was promoted to the superintendency at Jicarilla.

Senator TOWNSEND. Do you know of any other particular cases the commission should know about?

Mr. MACCOLL. I think my statements submitted to you covers about all of them.

Senator TOWNSEND. Have you called these things to the attention of the present administration?

Mr. MACCOLL. No; I have not, except by letter in the statements I submit to you, in which I characterized these men, Greene and Davis, as improper men to be in the service.

Senator TOWNSEND. You said something about some papers that had not been returned to you. What papers are they?

Mr. MACCOLL. I have a list of them at home, but I want a telegram from Mr. Fisher offering me a position as private secretary to Mr. Valentine, and my appointment to that position, my transfer papers to Uintah, and my letter of dismissal, and other similar papers like that. That is all personal matter. I sent some papers to Mr. Lane, but I do not care to have them returned to me, or anything that belongs to anybody else. It is only these personal papers that I want.

Senator TOWNSEND. Now, that is all you want to submit to the commission.

Mr. MACCOLL. There is another matter about Mr. Greene---

The CHAIRMAN. That is all in the record.

Senator TOWNSEND. Is there anything not in these papers before us that you want to submit?

Mr. MACCOLL. That about covers it.

The CHAIRMAN. What business are you now engaged in?

Mr. MACCOLL. None; I have something in view.

The CHAIRMAN. How long have you been out of employment?

Mr. MACCOLL. Practically since I left the service.

The CHAIRMAN. I see in Exhibit B, which you have filed, a large number of clippings and letters purporting to have been written by

different individuals. You do not mean to testify to the matter contained in them as of your own knowledge, do you?

Mr. MACCOLL. No, sir. I merely put them in there as corroborating my own expressions.

The CHAIRMAN. This commission will be very glad to have from you any statement of facts that you can make touching upon the reservation to which you refer in your statement, and will be glad to consider, of course, your views, but we do not regard that as testimony, nor do we regard statements from newspapers or private letters as part of testimony. What the commission desires to know is whether you have embraced in your letter or communication dated September 15, 1913, addressed to the commission, all statements of fact which you think should be brought to the attention of the commission?

Mr. MACCOLL. That matter and date, "What was the matter at Uintah-Ouray," I did not ever expect it to be considered as formal testimony.

The CHAIRMAN. I will say that it ought not to go in as evidence.

Mr. MACCOLL. I wrote that merely as a record for myself, and I merely submit it to you for what it is worth. It covers the case, but it is "not according to Hoyle."

The CHAIRMAN. I am of the opinion that Exhibit B ought not to be submitted as evidence, but if you so desire, we will take it as memoranda for the purposes of this investigation.

Mr. MACCOLL. Some of it I would be perfectly willing to submit as evidence—that part about the grazing lands of the Utes. There is nothing personal about that.

The CHAIRMAN. Very well; the commission will do this, Mr. MacColl. We will take such as we think ought to be submitted as evidence——

Mr. MACCOLL. Now, I am perfectly willing to submit that (indicating)——

The CHAIRMAN. If you will go through this and revise it, separating the evidence from the memoranda, that will be all right.

Mr. MACCOLL. I know that this last statement is what they paid for that land [indicating, and marked X in Exhibit B].

Representative CARTER. You spoke about a Mr. Harvey. Was he sent to the Five Civilized Tribes?

Mr. MACCOLL. Yes, sir.

Representative CARTER. Worked there?

Mr. MACCOLL. He was the original superintendent at Pawnee. He was held up on very serious charges and he resigned.

Representative CARTER. Who preferred the charges?

Mr. MACCOLL. I guess it was some inspector.

Representative CARTER. Do you know what those charges were?

Mr. MACCOLL. No, sir.

Representative CARTER. Is he still in the Indian Service?

Mr. MACCOLL. He was clerk at Muskogee.

Representative CARTER. What kind of clerk was he?

Mr. MACCOLL. I don't know.

Representative CARTER. What salary did he draw?

Mr. MACCOLL. I don't know.

Representative CARTER. What is his full name?

Mr. MACCOLL. George I. Harvey. There was one bad man, and he should never have been reinstated, because he was robbing the Indians.

Senator TOWNSEND. Now, Mr. MacColl, we will take these papers and treat such as evidence as can be done, using the statement about the grazing lands as evidence and use the other as memoranda.

[Exhibit to A. F. MacColl testimony.]

HOW THE INDIAN IS ROBBED.

MURDOCK GRAZING LEASES AT UINTAH AND OURAY RESERVATION.

I wrote Secretary Fisher on this subject in October and November, 1911, and reported same personally to Commissioner Valentine in October, 1911, at the agency.

The firm of J. S. Murdock & Co., of Heber, Utah (Mormons), was given grazing lands for sheep, by leases or permits, covering about 150,000 acres of the Uintah-Ouray Reservation, at a yearly rental of \$2,000. These leases were executed secretly by Acting Indian Agent Capt. H. J. Brees and Chief Clerk Greene. The regular lease clerk employed at the agency, Scott L. Fesler, told me that he had not been allowed to draw the papers or even to see them. Similar permits and terms had been given to the Murdocks for several years, and when I got track of this fraudulent transaction the papers were at Washington for approval. They were not approved, owing to my protest, I presume, but I do not know what new arrangement was made with this firm of sheepmen. They (the Murdocks) ran from 10,000 to 40,000 sheep on this range. The yearly pasturage charge for grazing sheep on Indian lands varies in cost from 75 cents to \$2.50 per head. The Murdock leases called for pasturage of only 10,000 head at 20 cents, or \$2,000. Thus these Ute Indians were being fleeced out of about \$15,000 a year or more by the representatives of their guardian at Uintah-Ouray. These sheepmen at times had more than double the number of sheep on this range allowed by their permit (sometimes as many as 40,000 head).

A. F. MACCOLL.

Mr. Fesler has been transferred to Fort Apache, Ariz., against his wishes. Holcombes says that it is the intention of Valentine to get rid of the entire old office force at Whiterocks.

With best wishes from us all, I am, yours, truly,

R. T. BONNIN.

From a letter to me from Bonnin dated September 10, 1912. Valentine and Fisher did get rid of the old Uintah-Ouray office force, as far as they dared.

A. F. MACCOLL.

NOTE.—Fisher and Valentine got rid of or dispersed the office staff who knew about this affair as follows:

Capt. Brees transferred to Army duty at San Francisco.

Chief Clerk Greene promoted to the superintendency at Jicarillo, N. Mex.

Financial Clerk MacColl dismissed from the service.

Lease Clerk Fesler transferred, against his will, to Fort Apache, Ariz.

Issue Clerk Bonnin, resignation forced, but later reinstated.

Stenographer Zollinger transferred to a California agency. Why?

FRIDAY, SEPTEMBER 19, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Fort Spokane, Spokane Indian Reservation, Wash.

Present: Senator Robinson (chairman), Senator Townsend, and Representatives Stephens, Carter, and Burke.

STATEMENT OF F. F. AVERY.

F. F. Avery, being first duly sworn by the chairman, testified as follows:

Mr. AVERY. I have been connected for more than 13 years with the schools on the Colville Reservation. I am familiar with condi-

tions among the Indians generally on the reservation, and especially among the school children. We have six day schools in operation on the Colville Reservation. During the last school year the average attendance was seldom less than twenty pupils at each school. There are about 525 children of school age. The census will be taken in November. About 20 per cent of the school population in addition to those attending day schools on the reservation attend white schools, and a considerable number, about 20 per cent, go away to school, to the mission school, and about 5 per cent go to non-reservation school. I have given somewhat careful consideration to the question as to whether the results obtained from reservation and nonreservation schools are more satisfactory, and my conviction is that the best work is done in the nonreservation schools. The young people return to their allotments and do better work and do it more promptly than those who remain there.

The CHAIRMAN. What subjects are taken up in the reservation schools on this reservation?

Mr. AVERY. The common school branches and academic work and also the rudiments of manual training, blacksmithing, agriculture, horticulture, and so on.

The CHAIRMAN. Do the pupils readily take an interest in the study of agriculture.

Mr. AVERY. Yes, sir. Not only in books, but they go out and do actual gardening work at home. We feel that home is best for them.

The CHAIRMAN. Do you visit each school on the reservation?

Mr. AVERY. Yes, sir.

The CHAIRMAN. What is the condition as compared with 10 years ago?

Mr. AVERY. They are more intelligent; they are building more houses, and living in more sanitary homes; but, of course, there is still room for improvement. They are becoming better men and women, learning the value of money, and are in every way improving.

The CHAIRMAN. What are the general health conditions among the Indians on this reservation?

Mr. AVERY. There is a great deal of tuberculosis and trachoma.

The CHAIRMAN. In your opinion, are these two diseases, trachoma and tuberculosis, increasing among them?

Mr. AVERY. I do not believe that trachoma is, but I think perhaps tuberculosis is.

The CHAIRMAN. Both of these diseases are due largely to the manner of living, are they not?

Mr. AVERY. Yes, sir. Of course, after tuberculosis is contracted under certain conditions it increases.

The CHAIRMAN. Who are the doctors for this agency?

Mr. AVERY. There are three: Dr. C. W. Lane at Omak, Dr. Kelley at Nespelum, and Dr. R. D. McCray at Hunter.

The CHAIRMAN. What effort, if any, is made in the schools—methods for the prevention of tuberculosis and trachoma?

Mr. AVERY. We give them systematic instruction along those lines, and the housekeepers and doctors also visit the homes and advise the parents as to sanitary matters and how to improve conditions, and the children get one day meal at the schools. They learn sanitary methods, general housekeeping, and accept particular instruction from textbooks for the prevention of tuberculosis and

trachoma. They use individual towels at their homes, and clean their teeth, and keep their persons clean.

The CHAIRMAN. Are the pupils inclined to observe these regulations.

Mr. AVERY. Yes, sir. They seem to take a pride in it.

The CHAIRMAN. Have you had occasion to visit the homes of the Indians on the Colville Indian Reservation?

Mr. AVERY. Yes, sir.

The CHAIRMAN. You are familiar with the conditions there?

Mr. AVERY. Yes, sir.

The CHAIRMAN. What have you noticed as opposed from your earlier service?

Mr. AVERY. I have noticed a gradual improvement. The homes are more comfortable and more sanitary.

The CHAIRMAN. What is the state of mind of the Indians on this reservation at this time? Are they discontented and complaining?

Mr. AVERY. No, sir; very little.

The CHAIRMAN. What proportion are self-supporting, if you know?

Mr. AVERY. I should say 95 to 97 or 98 per cent. The old ones and blind are taken care of by their relatives and friends.

The CHAIRMAN. It is apparent that there is a large scholastic population not availing themselves of the school facilities. What is that due to?

Mr. AVERY. The remoteness of the schools. We have new wagon roads that help out a great deal, but a great many live away from them. We feel that a few more day schools need be established for a few years as soon as the allotting is completed, but until that is done, we do not care to have any more.

The CHAIRMAN. I suppose there are some Indians who live in such isolated places that it is impossible, almost, to send their children to school?

Mr. AVERY. Yes, sir.

Representative STEPHENS. About how many students are there in attendance on the reservation?

Mr. AVERY. Between 150 and 160 in the day schools.

Representative STEPHENS. How many mission schools have you on the reservation?

Mr. AVERY. One on and one off.

Representative STEPHENS. What church?

Mr. AVERY. Catholic.

Representative STEPHENS. What church is on the reservation?

Mr. AVERY. Catholic. There is another little church that cost about a hundred dollars just across the reservation.

Representative STEPHENS. What is the number of Indians in the tribe?

Mr. AVERY. About 2,300.

Representative STEPHENS. What was the number when you first came here?

Mr. AVERY. We suppose it has gotten larger. I think there is very little difference.

Representative STEPHENS. The tribe has not increased?

Mr. AVERY. It is just about the same.

Representative STEPHENS. What is the moral condition of these Indians relative to marriage and divorce?

Mr. AVERY. There is a gradual decrease in observing the old Indian customs.

Representative STEPHENS. Are they married by church or State authorities?

Mr. AVERY. Both.

Representative STEPHENS. Do they have any children who have no parents?

Mr. AVERY. I think the proportion is very small.

Representative STEPHENS. Then you would say the moral condition among the Indians is as good as among the whites?

Mr. AVERY. Yes; but there is still room for improvement.

The CHAIRMAN. As to the prevalence of tuberculosis and trachoma, it seems that these two diseases are very common among the Indians everywhere. In some localities it is worse than in others. In some points of Oklahoma more than half the total Indian population is afflicted with these diseases. What I am anxious to know is, has any systematic effort been made within your knowledge by anyone to obtain definite information as to the number of Indians who are afflicted by trachoma and tuberculosis, and if so, by whom it was instigated and who authorized it?

Mr. AVERY. I think Mr. Johnson (superintendent of the Colville Reservation) can answer that better than I can.

The CHAIRMAN. In the schools have you undertaken anything of that sort?

Mr. AVERY. We exclude every case.

The CHAIRMAN. Do you keep a record of that?

Mr. AVERY. I do not keep a record.

The CHAIRMAN. Do you not think it would be a good idea to keep one?

Mr. AVERY. The agency doctor does the examining, and I do not know whether he keeps a record or not.

The CHAIRMAN. Do you know what proportion of the school population on the reservation is practically excluded from the schools on account of both of these diseases?

Mr. AVERY. I do not.

The CHAIRMAN. Are these diseases increasing or diminishing?

Mr. AVERY. I think trachoma is not increasing, but as to tuberculosis, I simply do not know.

STATEMENT OF J. M. JOHNSON, SUPERINTENDENT OF COLVILLE AGENCY.

J. M. Johnson, superintendent of the Colville Reservation, first being duly sworn by the chairman, testified as follows:

Mr. JOHNSON. I have been connected with the Colville Indian Agency for more than seven years. I became superintendent January 26, 1912. I was clerk at the Colville Agency prior to that time.

I have been reasonably familiar, except for possibly two years I was away, with the conditions here.

The CHAIRMAN. What is your total Indian population?

Mr. JOHNSON. Two thousand three hundred, on our rolls. In addition to that there are 800 applicants for enrollment, many of whom are of such slight degree of Indian that there is no prospect for them.

The CHAIRMAN. How many have been allotted?

Mr. JOHNSON. All but about 125 of the enrolled population.

The CHAIRMAN. What is the condition of the Indians on this agency with reference to thrift and industry?

Mr. JOHNSON. These Indians are practically all self-supporting; that is, of course, the old and infirm are supported by their friends and relatives. There are about 200 old, blind, and orphan children who are not self-supporting. They get as high as \$25 a month for support—just enough to supplement their wants and keep them out of absolute want. We issue no less and no more.

The CHAIRMAN. Under that statement, the Indian on this reservation is no worse than the white person?

Mr. JOHNSON. I do not mean to convey by that the idea that they are as comfortable as the whites. Perhaps 75 per cent of the Indian population on the reservation live in what may be called frame houses, possibly 10 per cent in old-fashioned log shacks, and others in teepees used as permanent places of habitation. Nearly all of the full-blood Indians set up teepees at their homes for especial use in the summer time, but they are not intended for the principal or permanent home. For the past two or three years we have disbursed to the Colville Indians annuity payments of \$500 per capita, and this has been deposited in the Indian bank subject to check on my approval. I have supervised the manner of expenditure. I have encouraged better homes, barns, and fences with this money. There are now 59 houses for the fiscal year 1912, and in 1913 it is 30 or 35. Of course, three or four hundred dollars would go into a house of rough board, usually ceiled inside, with a good floor, three or four windows, and three or four rooms; and you will find these houses scattered all over the reservation.

The CHAIRMAN. What has been your observation of the diseases most prevalent among the Indians?

Mr. JOHNSON. I find tuberculosis and trachoma.

The CHAIRMAN. To what are these diseases attributable in your opinion?

Mr. JOHNSON. Lack of sanitary conditions.

The CHAIRMAN. Are these diseases increasing or diminishing among the Colville Indians?

Mr. JOHNSON. Our statistics have not been kept accurately by the department, but in my opinion it is about the same as when I came here. I have no means of getting the information. It would require a careful census, a physical examination of every man, woman, and child by a physician.

The CHAIRMAN. What per cent of the Indians have trachoma on the Colville Reservation?

Mr. JOHNSON. About 20 per cent.

The CHAIRMAN. What precautions are being taken, if any, to check this disease?

Mr. JOHNSON. We have three physicians, one at Nespelum, one on the east and one on the west side of the reservation.

The CHAIRMAN. Which of these doctors is giving especial attention to trachoma?

Mr. JOHNSON. No special one. They are treated by means of the forceps where it is possible to get the Indian under their control long

enough. But it seems necessary to the successful operation on the Indian that the doctor or trained nurse see him every day for three weeks. We have no hospitals, and except where the Indian lives near the physician's office it is almost impossible to do that kind of work. They use copper sulphate and another drug, the name of which I do not remember. These drugs are turned over to the Indians and they will use them. They do not cure a large percentage of the cases, but they at least check the infection.

The CHAIRMAN. Do they apply the remedies when prescribed?

Mr. JOHNSON. Some of them do, possibly 75 per cent, but some still cling to the advice of the medicine man.

The CHAIRMAN. What is your opinion as to the extent of tuberculosis among the Indians on the Colville Reservation?

Mr. JOHNSON. About 20 per cent have it in one form or another.

The CHAIRMAN. How are the climatic conditions as affecting or producing tuberculosis?

Mr. JOHNSON. Climatic conditions are, on the whole, not calculated to produce tuberculosis.

The CHAIRMAN. Have you given much thought to the checking of tuberculosis and trachoma on the Colville Reservation?

Mr. JOHNSON. I have. I think the Indian with trachoma is worse than the Indian with tuberculosis, because when the Indian goes blind he is absolutely helpless. We have one contract physician. He gets \$720 a year and he lives on the other side of the river. He practices among the Indians over here, but can only reach them by crossing the Columbia River on the ferry. Sometimes he has to run the ferryboat himself. Now, we can not expect that physician to attend to more than acute cases. The mountain roads are almost impassable in the wintertime, and for \$720 we can not expect to get a physician to treat tuberculosis.

The CHAIRMAN. It would seem to me that he could not look after it rightly and discharge his duties.

Mr. JOHNSON. The area is more than the population. At Nespelem we have a physician who is paid \$1,200 a year.

The CHAIRMAN. There is no chance for him to do outside practice?

Mr. JOHNSON. He is dependent entirely on this \$1,200 a year. He can not supplement that, and it is not enough. He covers a territory of about 15 townships, in which there are about 600 Indians. The other physician living at Okanogan gets \$1,000 a year. We rent quarters for him, feed his team, and he devotes about half or a little more of his time to the Indian Service. He covers a population of about 600 or 700. The longest drives are about 40 miles, and there are roads on which he has to go horseback, and in the winter, when the snow is deep, it is practically impossible to get over them.

The CHAIRMAN. What are your plans for improving these conditions?

Mr. JOHNSON. My plans for improvement are these: I would increase the salary of the physician at Nespelem to \$1,800 a year. I would build a hospital, employ trained nurses, and get him such additional assistants and elastic force that could be employed as needed, increase the salary of the physicians on both the east and west sides to \$1,500 a year, enough to keep them employed in practice on the Indians all the time, and let them send their cases to the hospital at Nespelem, and as trachoma cases are cured in three or

four weeks, absolutely cured, send those cases to the hospital, and by that system the whole trachoma cases can be cured in two or three years. The handling of tuberculosis is, of course, different. I have thought several times that it would be successful, if that were treated in camps.

The CHAIRMAN. By the taking of the simplest precautions which are easily explained and easily understood, tuberculosis can, in time, be stopped. It is a process of isolation, and the working out of the details is quite a difficult one. It is perfectly apparent that even in this climate, where 20 per cent of the Indians have tuberculosis, unless something is done the race will probably decline in numbers and be extinct. Trachoma at some points in the Indian country run as high as 69 per cent to the total population. Tuberculosis, I think, in a few localities runs as high as 40 per cent, and 20 per cent in such a climate as this, where it is not calculated to produce the disease, is a fairly large number.

Do you think that a tuberculosis sanitarium in New Mexico would afford the proper relief for the cure of tuberculosis?

Mr. JOHNSON. No, for the reason that the cost of transportation from a reservation so remote as this would be practically prohibitory.

The CHAIRMAN. It has been suggested that a tuberculosis sanitarium be established which can be availed of by extreme cases, and especially for those who are able to provide in part for their own expense. What would be your idea about that? Have you ever discussed it with your doctors?

Mr. JOHNSON. Yes, I have discussed it with all of them. They have various schemes. We had a tuberculosis sanitarium for two or three years for children, and my observation was that the pupils brought from a considerable distance from their homes suffered more from homesickness, and that is a bad thing for children. I have seen good sanitary conditions kept and a good many recover.

The CHAIRMAN. What is the general character and habits of the Indians with reference to opiates here?

Mr. JOHNSON. We have no difficulty in controlling the Indians along that line. Our difficulty is with the white men who infest the reservation. The reservation was open to miners some 15 years ago, and that brought in the drift and riffraff population. Many prospectors who came here and found nothing left, but lots remained, and many of them are bootleggers, horse and cattle thieves, and those are the worse class we have to deal with.

The CHAIRMAN. Is bootlegging very extensive?

Mr. JOHNSON. Yes; very extensive. The reservation is surrounded by communities in which there are saloons. They are carried on strictly by a bootlegging business.

The CHAIRMAN. Do the bootleggers come on the reservation?

Mr. JOHNSON. Yes, sir. I want to say that one serious difficulty we have here is in the interpretation of the law. We have had cases in which we would find a man on the reservation with stacks of whisky. We were unable to find that he introduced it, and yet the courts have held that in that case there is no offense in law. The Federal courts have held that possession of liquor on an Indian reservation is not prima facie evidence of introduction by the possessor. The courts

have held that when a mining claim is filed upon on a reservation the ground is not within the reservation.

Representative STEPHENS. What kind of stock do the Indians raise?

Mr. JOHNSON. Until a few years ago they raised a few ponies. It was simply a matter of turning out their mares. They were gradually being sold off, and now the Indians have a great deal of stock and cattle. We have some difficulty in keeping them from selling their young stock; the prices are so attractive.

Representative STEPHENS. Do they raise sheep, goats, or hogs?

Mr. JOHNSON. There are some who raise sheep and hogs.

Representative STEPHENS. Then, they show a disposition to raise stock?

Mr. JOHNSON. Yes.

Representative STEPHENS. In your judgment the Indians are better qualified to take care of stock?

Mr. JOHNSON. Yes; it is better for them than fruit growing.

Representative STEPHENS. Does it engender prejudice by the white people for the Indians to raise fruit?

Mr. JOHNSON. No; and in that connection there was a bill introduced—I think Senator Poindexter was responsible for it—providing that the timber should be reserved for tribal property. My idea is to, as soon as the allotments are made, retain the timber and sell the mature timber to the highest bidder as soon as we have market facilities.

Representative STEPHENS. Would it be practicable to buy portable sawmills for the Indians and give them employment at the same time?

Mr. JOHNSON. It is not practicable on the scale which you suggest. We have three sawmills on the reservation. If we had one more, we would be able to provide the Indians with employment. I believe it would be better to sell the timber and let them go in and cut it.

The CHAIRMAN. Are the Indians available as laborers?

Mr. JOHNSON. Yes; they are just beginning to take advantage of the logging business.

The CHAIRMAN. Would you establish a boarding school on this reservation?

Mr. JOHNSON. I think it would be a backward step.

Representative STEPHENS. Do you think the Indians would get along well enough with day schools if they had enough?

Mr. JOHNSON. Yes, sir. I believe if we could get enough money to build a few more wagon roads and three more schools we could handle the situation very nicely.

The CHAIRMAN. How much timber is there on this reservation?

Mr. JOHNSON. About 40 townships in timber; about 400,000,000 feet.

The CHAIRMAN. Is it accessible to market?

Mr. JOHNSON. No, sir. That would involve the building of a railroad through the San Poil Valley. There is a railroad on the west side, the Great Northern, that opens up a territory about 10 or 15 miles wide.

Representative STEPHENS. Is there much ripe timber on your reservation?

Mr. JOHNSON. Yes, sir.

Representative STEPHENS. Is it liable to damage by forest fires?

Mr. JOHNSON. To some extent.

The CHAIRMAN. I notice timber in the Spokane Reservation which is mature and liable to damage by fire, which ought to be cut, but it is not accessible to market.

TUESDAY, SEPTEMBER 23, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Omak, Wash.

Present: Senator Robinson (chairman), Senator Townsend, Representative Stephens, Representative Carter, and Representative Burke.

STATEMENT OF DR. C. W. LANE, AGENCY PHYSICIAN, COLVILLE AGENCY.

Dr. C. W. Lane, first being duly sworn, testified as follows:

Dr. LANE. I am one of the agency physicians on the Colville Reservation, and am located at Omak, having been here since about the 1st of July, 1913.

The CHAIRMAN. What is the area over which your duties carry you?

Dr. LANE. Four hundred thousand square acres—about 15 townships.

The CHAIRMAN. What is approximately the number of Indians under your jurisdiction?

Dr. LANE. Between four and five hundred.

The CHAIRMAN. What proportion of this number have you visited or seen since you have been located here as physician?

Dr. LANE. Probably two-thirds of them.

The CHAIRMAN. Do you undertake, and is it your duty, to visit all Indians within your territory when they are ill and require a physician?

Dr. LANE. Yes, sir.

The CHAIRMAN. No other medical service is provided, and no other is available, I suppose?

Dr. LANE. There are other physicians living here, but they do not practice among the Indians a great deal.

The CHAIRMAN. What is the general state of health of the Indians within your jurisdiction?

Dr. LANE. Very poor.

The CHAIRMAN. What is the character of their affliction?

Dr. LANE. Tubercular conditions and eye diseases.

The CHAIRMAN. What are the eye diseases?

Dr. LANE. Trachoma.

The CHAIRMAN. What percentage of the Indians would you say are afflicted with trachoma?

Dr. LANE. At least 60 per cent.

The CHAIRMAN. I presume you have had no opportunity of observing these Indians prior to the time you became physician here so as to judge whether these diseases are increasing or diminishing?

Dr. LANE. Not here.

The CHAIRMAN. Are conditions similar at Spokane Reservation with reference to trachoma?

Dr. LANE. Not quite as prevalent.

The CHAIRMAN. What percentage of the Indians within your territory have tuberculosis, would you say?

Dr. LANE. That is a hard question to answer. A good many have it or are convalescent with it. A good many actually have the germ.

The CHAIRMAN. Has no effort been made, so far as you know, to ascertain definitely how many are afflicted with tuberculosis?

Dr. LANE. None that I know of unless the Public Health Service has done so.

The CHAIRMAN. It could be done by careful census and examination, could it not?

Dr. LANE. It could if you could find them all. It would be very extensive and hard to find them all.

The CHAIRMAN. Have you no means or opportunity for doing this work?

Dr. LANE. We try to.

The CHAIRMAN. What I mean is, could you do that work and at the same time attend to your regular duties as physician?

Dr. LANE. It would be rather hard to do it.

The CHAIRMAN. Are you kept very busy?

Dr. LANE. Part of the time.

The CHAIRMAN. Do the Indians readily avail themselves of your services as a physician, or are they slow to do it?

Dr. LANE. They have been quite ready here.

The CHAIRMAN. How was that on the Spokane Reservation?

Dr. LANE. They were very ready there.

The CHAIRMAN. Do they appear to have confidence in our system of treatment or do they prefer their own?

Dr. LANE. Several prefer their own—that is, the methods of the medicine man, sucking and blowing.

The CHAIRMAN. What do you mean by sucking and blowing?

Dr. LANE. Some Indians suck it out and others blow it out.

The CHAIRMAN. Are the conditions in this climate calculated to produce or promote trachoma and tuberculosis?

Dr. LANE. The dust here is bad for trachoma, but I do not think this climate is bad for tuberculosis.

The CHAIRMAN. What are the characteristics of a climate that is good for tuberculosis—for the cure of it?

Dr. LANE. A climate that is dry, equable, and has a great deal of sunshine.

The CHAIRMAN. Have you given thought and consideration to the best means of remedying conditions on this reservation to trachoma and tuberculosis?

Dr. LANE. Yes, sir.

The CHAIRMAN. Have you thought out a system or plan in your opinion which will promote them or accomplish that end?

Dr. LANE. I do not think it would be accomplished; but I think if we had camps and hospitals, or a central hospital, on the reservation that would be all right.

The CHAIRMAN. Would it be your idea to establish some central hospital on the reservation or a number of camps?

Dr. LANE. Probably a central hospital could be used to handle the situation.

The CHAIRMAN. Do you think the Indians would avail themselves of it?

Dr. LANE. I think a good many would. I think it would be well to have power enough allowed to us to separate the sick from the well.

The CHAIRMAN. As a matter of fact, the prime means of preventing the spread of tuberculosis is isolation and sanitation, is it not?

Dr. LANE. Yes, sir.

The CHAIRMAN. Have you recently had occasion to observe the prevalence of trachoma at any of the schools?

Dr. LANE. I operated 20 cases yesterday at the St. Marys Mission School.

The CHAIRMAN. What kind of operation do you perform?

Dr. LANE. I use the forceps.

The CHAIRMAN. Is that the most practicable and successful means?

Dr. LANE. That, combined with the bluestone treatment, is the best.

The CHAIRMAN. The bluestone is used as a caustic?

Dr. LANE. Yes, sir.

The CHAIRMAN. How many pupils have they at St. Marys?

Dr. LANE. They have about 35 there now. All the pupils have not entered yet for the year.

The CHAIRMAN. And of that 35 you operated on 20.

Dr. LANE. I only operated on the boys. I have not touched the girls. There are 21 boys, and I operated on 20 of those. There are 14 girls. I do not know how many of them have trachoma, but but several have. The disease is quite prevalent there.

The CHAIRMAN. What about tuberculosis there?

Dr. LANE. Out of the 35 I have stopped 4 from attending school because of tuberculosis.

The CHAIRMAN. Have you examined the others?

Dr. LANE. Yes, sir.

The CHAIRMAN. You found no tuberculosis among them?

Dr. LANE. Not active tuberculosis.

The CHAIRMAN. Are there day schools on this part of the reservation?

Dr. LANE. One about 15 miles from here, on Omak Creek.

The CHAIRMAN. How many pupils are there there?

Dr. LANE. About 15.

The CHAIRMAN. Are you familiar with the conditions of those pupils with reference to tuberculosis and trachoma?

Dr. LANE. I have not had an opportunity to examine them.

The CHAIRMAN. What is your suggestion for the cure and prevention of trachoma here?

Dr. LANE. I think if we had a central hospital we could operate the eyes successfully.

The CHAIRMAN. Is the disease curable?

Dr. LANE. That depends upon the stage.

The CHAIRMAN. What stages are known?

Dr. LANE. The acute stage and the chronic stage.

The CHAIRMAN. What is the chronic stage?

Dr. LANE. That is after it has passed the cicatricial stage; that is after the eyelids are deformed.

The CHAIRMAN. Does trachoma produce blindness?

Dr. LANE. Yes, sir.

The CHAIRMAN. Could you give what percentage are going blind?

Dr. LANE. I could not.

The CHAIRMAN. Is that a painful disease?

Dr. LANE. Yes, sir; but that depends upon the stage.

The CHAIRMAN. In addition to the hospital work it would be designed to give work to those already afflicted, would it not?

Dr. LANE. Yes, sir.

The CHAIRMAN. You have, of course, contemplated some plan to stop the communication of the disease from those afflicted. What is the best means of doing this?

Dr. LANE. By teaching personal hygiene.

The CHAIRMAN. Sanitary conditions are rather bad among them, are they not?

Dr. LANE. Yes, sir.

The CHAIRMAN. What sanitary habits are especially calculated to prevent the spread of this disease? What suggestions do you make?

Dr. LANE. To provide separate towels, washbasins, handkerchiefs, frequent bathing, and clean persons.

Senator TOWNSEND. Do you think that tuberculosis and trachoma are on the increase?

Dr. LANE. Yes, sir.

Senator TOWNSEND. You have noticed it perceptibly since you have been here?

Dr. LANE. I think it is on the Spokane Reservation and on a large portion of this reservation.

Senator TOWNSEND. Is it possible for you to get over this district and see many of the people in the homes?

Dr. LANE. Only where they are very ill.

Senator TOWNSEND. Would it not be necessary for you to get over the district easily in order to tell about the prevalence of these diseases?

Dr. LANE. Of course, I would have to take a careful census.

Senator TOWNSEND. You get your observation from your office and from the schools mostly, do you not?

Dr. LANE. Yes, sir.

Senator TOWNSEND. Do many of them come to your office for treatment?

Dr. LANE. Yes, sir; but a great many still adhere to the treatment of the medicine man. And when one comes a long distance in bad, cold weather for treatment of the eyes and goes back and forth, it is bad for them.

Senator TOWNSEND. If you had a sanitarium or hospital, you would have to have some sort of legislation which would compel them to come there, would you not?

Dr. LANE. I think so.

Senator TOWNSEND. Would the Indians permit their children to go the hospital without their going there too?

Dr. LANE. I think so.

Senator TOWNSEND. Is there any other man connected with the agency that gets over it more than you do?

Dr. LANE. I do not think so.

Senator TOWNSEND. Do you anticipate that you get anything that would even approximate the permanent relief showing permanent improvement without teaching the Indian in his home as to sanitary methods?

Dr. LANE. No.

Senator TOWNSEND. Could you do that if you had enough assistance on the reservation?

Dr. LANE. I think so.

Senator TOWNSEND. Sanitation could be taught so that it would be at least preventive of tuberculosis, could it not?

Dr. LANE. If we had power enough to force them to clean their places, but simply talking to them will not do it.

Senator TOWNSEND. Your establishment of a sanitarium and central hospital would necessarily fall very short of anything like a complete treatment of this disease, would it not?

Dr. LANE. I think it would.

Senator TOWNSEND. I suppose if these Indians were taught to be sanitary and were properly impressed with the seriousness of this disease, that of itself might be a very strong element in the civilization of the Indian and bring him to modern methods of doing things as well as taking care of his health?

Dr. LANE. It would aid some.

Senator TOWNSEND. I assume that if he was brought to realize the sense of the effect of this disease upon him that of itself would help materially in his progress?

Dr. LANE. One of the best effects would be to take the diseased person out of the family circle. They all live in very cramped quarters.

Senator TOWNSEND. So it is your plan that if a sanitarium were established to go over the reservation and make an examination of the Indians and bring all those afflicted to the sanitarium?

Dr. LANE. Urge upon them when we could.

Senator TOWNSEND. If 60 per cent of them have trachoma, would that not be a difficult problem?

Dr. LANE. We could operate on them and use treatment in the home too. It is tuberculosis that requires sanitarium treatment.

Senator TOWNSEND. You do not know what percentage on this reservation are afflicted with tuberculosis, do you?

Dr. LANE. Probably 25 per cent. I am not sure.

Senator TOWNSEND. How many Indians are there right about Omak or within 20 miles of it?

Dr. LANE. About 400.

Senator TOWNSEND. Do you find any more cases of trachoma and tuberculosis in the homes of the more civilized and prosperous than in the homes of those who are apparently not so far advanced?

Dr. LANE. They all have homes. The mixed bloods have better homes than the full bloods. There is one family at Okanogan of eight and six have tuberculosis, and I do not know how many have died of it.

Senator TOWNSEND. Do the Indians on this reservation, so far as you know, attain longevity?

Dr. LANE. I do not think they do. But mortality is greatest among the children.

Senator TOWNSEND. So that under proper care you think you could cure these diseases?

Dr. LANE. Yes.

Representative BURKE. Doctor, how long have you been in the Indian service?

Dr. LANE. Nearly four years as physician.

Representative BURKE. Where have you been stationed?

Dr. LANE. At Round Valley, Cal. I was there 14 months, and from there I went to Fort Spokane. I was there at Fort Spokane and the Spokane Agency across the river two and a half years.

Representative BURKE. And during that time were you treating Indians on this reservation?

Dr. LANE. Part of that time, and I had charge of all the Indians on the Spokane Reservation.

Representative BURKE. And you have been at this point since about the middle of June.

Dr. LANE. Yes, sir.

Representative BURKE. So, altogether, you have been either upon the Spokane or the Colville Reservations?

Dr. LANE. Yes, sir; and a little more.

Representative BURKE. Did you find that the conditions as to trachoma and tuberculosis on that portion of the Colville Reservation so far as you observed were about the same as here on this part, so far as the prevalence of the diseases is concerned?

Dr. LANE. I do not think it was as prevalent.

Representative BURKE. Would it be practicable and desirable to establish a sanitarium where the Indians of the two reservations could be cared for, both of the Spokane and the Colville Reservations?

Dr. LANE. That involves a good many things. The reservations—the methods of transportation across the reservations; it would be hard to get the Indians from the Spokane Reservation here, which could be the only point it could be established.

Representative BURKE. I had in mind that Nespelum could be used, and at Fort Spokane the buildings of the old military barracks that are already there.

Dr. LANE. I think two small hospitals, one at Fort Spokane and one on the Colville Reservation, would be better than one hospital in a central location.

Representative BURKE. What would be the idea of a hospital as to the expense of equipment and a suitable building or buildings?

Dr. LANE. I would hate to answer that question, unless——

Representative BURKE. Suppose you had a hospital for the treatment of these diseases, would it be large and expensive, or would it be so that they could live outdoors?

Dr. LANE. That is difficult to answer. Of course, the tuberculosis patients ought to be in the open air as much as possible. That would not be expensive.

Representative BURKE. Then you think a sanitarium could be established without great expense?

Dr. LANE. Yes.

Representative BURKE. I want to ask your opinion as to the method or the system that is now in operation with relation to the treatment of diseases upon the Indian reservations as to whether it would be, in your opinion, more beneficial, more effective, if it was

under the Health Department, rather than under the Indian Office, as is now the situation?

Dr. LANE. Personally I am in favor of the Public Health Service, because they could do away with two departments; that is, combine the two, and make the system more flexible. They have more physicians, and in case of emergency they could send more physicians out on the reservations, and then, too, the physicians would be better satisfied.

Representative BURKE. Would it not be better if it was under the Health Department and then raise the standard of physicians that are employed, as compared with the present system?

Dr. LANE. I think if the same conditions existed in the Indian Service as in the Health Service the standard would be automatically raised.

Representative BURKE. Do you think it possible to get the standard of physicians we ought to have if we make that change?

Dr. LANE. Most of them are of the same class. There is nothing in the Indian Service that is attractive. Most of the physicians are graduates just out of school.

Representative BURKE. What compensation is paid?

Dr. LANE. Usually \$1,000 a year.

Representative BURKE. What are they required to furnish in the way of equipment?

Dr. LANE. They are furnished with a team.

Representative BURKE. Does the Government furnish the team?

Dr. LANE. I have my own team, but I am furnished it by the Government.

Representative BURKE. You say you are the only one on the reservation who has an opportunity to observe the methods of living, and the sanitary conditions, or more than any other person connected with the agency. Don't they have a field matron on this reservation?

Dr. LANE. None on this portion.

Representative BURKE. If you visit an Indian home now and find conditions deplorable, all you can do is to advise and suggest?

Dr. LANE. Yes, sir.

Representative BURKE. You have no authority to compel them to change their living methods?

Dr. LANE. No, sir.

Representative BURKE. If we had a sanitarium, would it not be necessary to provide that such persons as ought to have treatment should be forced to take the treatment and be detained there for such time as might be necessary?

Dr. LANE. No, sir.

Representative BURKE. Don't you think it would be healthful and desirable if you could have in this district a field-matron service, so that they could visit the homes of those people and teach and instruct them in ways of living so as to bring your attention to conditions that ought to have your attention that otherwise you might not know anything about?

Dr. LANE. This territory is so hard for a woman to travel over it would be hard for her to get over it.

Representative BURKE. What is your experience, having been in the Indian Service for some time, in having your requests that neces-

sarily have to go to the Indian Office promptly answered and obtaining things that you must have in connection with your work among the Indians without too much delay?

Dr. LANE. Sometimes I get them in one month and sometimes four.

Representative BURKE. What has been your experience in having your correspondence answered promptly or otherwise?

Dr. LANE. It has been prompt for what little correspondence I have had.

Representative BURKE. And there is a little delay in getting things you have to have?

Dr. LANE. Yes, sir.

Representative BURKE. What seems to be the difficulty, if you know?

Dr. LANE. I think the difficulty comes in having to get everything in warehouses on bids.

Representative BURKE. Do you think that could be obviated by purchasing in the open market or locality in which they are needed?

Dr. LANE. I think it could for emergency purposes.

Representative BURKE. Have you had any recent experience in getting anything from the Indian Office that you have requested where there has been any delay?

Dr. LANE. Yes, sir.

Representative BURKE. What is it?

Dr. LANE. Our drugs, our buggy and harness, I asked for in June and have not received them yet.

Representative BURKE. What time in June?

Dr. LANE. Somewhere about the 20th.

Representative BURKE. Have you any reason to think that you are going to get them in the near future?

Dr. LANE. No, sir.

Representative BURKE. During that time have you been obliged to furnish yourself with a buggy and harness for your use in attending your duties?

Dr. LANE. Yes, sir.

The CHAIRMAN. Has there been any reply made to your request for your necessities?

Dr. LANE. The request was put through the Colville office.

The CHAIRMAN. So far as you are concerned, have you been informed as to this delay?

Dr. LANE. No, sir; not from the Indian Office.

Senator TOWNSEND. Where were you educated, Doctor?

Dr. LANE. Hahneman Medical School, Chicago.

Senator TOWNSEND. How much do you receive, Doctor?

Dr. LANE. \$1,000 a year.

Senator TOWNSEND. And you are supposed to be furnished a wagon, harness, and team and provisions?

Dr. LANE. No, sir.

Senator TOWNSEND. You feed yourself?

Dr. LANE. Yes, sir.

Senator TOWNSEND. Do you have to employ anybody to assist you out of your own pocket?

Dr. LANE. We have no assistance.

Senator TOWNSEND. How many doctors are there on this reservation?

Dr. LANE. Three.

Senator TOWNSEND. Have you taken any particular training for tuberculosis and trachoma treatment before you came into the Indian Service?

Dr. LANE. No, sir.

The CHAIRMAN. Are many of the Indians with whom you come in contact addicted to the use of intoxicating liquors?

Dr. LANE. Most of them when they can get it.

The CHAIRMAN. Is there much drunkenness among them?

Dr. LANE. I have not seen many cases.

Representative CARTER. Doctor, you spoke of a camp hospital. What do you mean by camp hospital; how does it differ from the regular hospital?

Dr. LANE. That is where they have to use tents, and more or less temporary structures.

Representative CARTER. No permanent buildings?

Dr. LANE. Nothing except an office.

Representative CARTER. Are those camps good places for the treatment of trachoma?

Dr. LANE. Yes, sir; but I don't mean to leave the impression that we are opposed to a hospital for the reservation.

Representative CARTER. Are there any other diseases that the Indians are afflicted with except trachoma and tuberculosis?

Dr. LANE. Yes; the respiratory diseases.

Representative CARTER. Are there any tribal funds available for a hospital?

Dr. LANE. No, sir.

Representative CARTER. You spoke of having delays in getting your supplies. Have you had considerable of that in the past?

Dr. LANE. Thus, I think, is the longest case I have had to wait.

Senator TOWNSEND. There was a witness before the Committee on Indian Affairs of the Senate who claimed to have a great deal of experience with the Indians, and especially with trachoma, and he stated that he had practically abolished the disease which was very prevalent among the Indians that he had to deal with simply by the use of the vitriol wash and by the abolition of the mess towels used by so many people. Now, do I understand you to say that this disease was not curable after it passed the chronic stage?

Dr. LANE. If it has passed the cicatricial stage.

Senator TOWNSEND. What proportion in that condition are on this reservation?

Dr. LANE. I could not answer that off hand. A great many of the extremely old ones have passed into that stage. The young ones are practically all curable.

Senator TOWNSEND. What care does the blind Indian receive?

Dr. LANE. He usually gets a dirty blanket to sit on.

Senator TOWNSEND. Have you anything you want to suggest of any information you want to give the committee—that is, of the work here?

Dr. LANE. I hardly think so. But I do think that we ought to have the sanitary power that the white health officer has.

Senator TOWNSEND. What would you require if you had that power?

DR. LANE. I think Mr. Johnson [superintendent of the Colville Reservation] might have to enlarge his jail over there and get one more policeman. I think, also, if examples were made of one or two cases the rest would fall in line, and that would be sufficient.

STATEMENT OF B. F. EMERY, INDIAN FARMER, COLVILLE SUB-AGENCY.

Mr. B. F. Emery, Indian Farmer on the Colville Reservation, first being duly sworn by the chairman, testified as follows:

MR. EMERY. I realize that Senator Robinson and Senator Townsend have not had as much experience in Indian affairs as Mr. Carter and Mr. Burke has had when you speak of the Colville Reservation. Now, this is a little general statement of conditions that I have run across in the last four years. The Original Colville Reservation contain about 3,000,000 acres. About 1892 a portion was set off, known as the north half, and allotments were made and the balance thrown open to settlement, and there was created what is known as the Colville trust fund. It left \$500 for each man, woman, and child who had rights on the Colville Reservation. The reservation is divided into districts, and I myself am known as superintendent of live stock. We have to keep track of every Indian, know his family, know what he is trying to take to market, such as his crops, and try to keep whisky away from him, if possible, so that we are not able to give much individual attention—as much as we would like to—and we fall short in a great many things. We have a lot of trouble with horse and cattle thieves, bootleggers, stabbings, and the situation has developed until we hardly know where we are at. We can go to an Indian house and suggest and request that he better conditions there, but we have no real authority to force him to do it. We have no authority to compel an Indian to take physical treatment; we have no authority to compel an Indian to send his child away to take treatment. We have interested the superintendent to secure us a physician last June, and we are trying to better Indian conditions and interest him in agriculture, but it is lack of authority. A short time ago an Indian resisted a search, when he had a pack of whisky concealed on him, and the Federal judge decided we had no authority to search him notwithstanding statute 145, Revised Statutes, which says every agent and employee has the right. That is one of the things we have to contend with.

THE CHAIRMAN. Are there many cases of violations of the liquor laws on that part of the reservation that you are familiar with?

MR. EMERY. Up until the last 10 days ago we were safe in saying there was one every two hours.

THE CHAIRMAN. Do these violations occur among the Indians principally or among the white people.

MR. EMERY. Well, it is brought about by the cooperation of the white man. They can not buy it directly from the bar, but in the smaller towns there is a great deal of bootlegging carried on. That is one of the worst elements we have to contend with. This young man [pointing to a young Indian sitting before the commission] Pierish MacCreigor wanted a wagon, and he did not want to go to Okanogan; that every time he went there somebody wanted him to

take a drink. The licensed bars apparently observe the law, but there are a great many bootleggers, especially at Okanogan.

The CHAIRMAN. Are the white people in sympathy with the enforcement of the law?

Mr. EMERY. They are indifferent. They know it will hurt their business if it is enforced.

The CHAIRMAN. Is this town dry [Omak]?

Mr. EMERY. Yes, sir.

The CHAIRMAN. Is the population here principally Indian?

Mr. EMERY. Yes, sir.

The CHAIRMAN. What towns around this part of the reservation have licensed saloons?

Mr. EMERY. Oroville, Brewster, and Okanogan.

The CHAIRMAN. You spoke a while ago about the right of search being denied. Upon whose authority was that done?

Mr. EMERY. It was the opinion of the district attorney upon the advice of the judge.

The CHAIRMAN. Is the sentiment of enforcing the liquor laws growing?

Mr. EMERY. The county itself is dry [Okanogan County]. There are but four wet spots—Brewster, Oroville, Okanogan, and Twisp.

The CHAIRMAN. Do many of the Indians drink if the opportunity is afforded them?

Mr. EMERY. About 90 per cent of them.

The CHAIRMAN. Do many of them get drunk?

Mr. EMERY. Yes, sir. When they get one drink they want more, and when they get drunk they want to sell everything they have—their saddles, shaps, and everything else. One of them who paid \$18 for a pair of shaps wanted to sell them for \$3 when he was drunk.

The CHAIRMAN. Do you know of many drunken Indians who have disposed of considerable of their property?

Mr. EMERY. Some of them have. And they are attracted to the towns by such amusements as the moving-picture shows. I believe that we should have some attraction like that on the reservation. If we could have a picture show on the reservation for Saturday nights, so that the Indians could go there and stay over and go to church the next day, that would help the situation. Those amusements could be furnished with little expense. They have them in the Reclamation Service with little cost, and certainly we could have them. But we need to pay especial attention just now to getting money to build some roads, especially in that country around Nespelum.

The CHAIRMAN. Are there many blind Indians in your district?

Mr. EMERY. We have about seven old blind people. Gentlemen like Representative Burke and Mr. Carter understand that Indian loves his children and has great respect for their old blind people. One Indian woman wanted to go to see another who was sick, and she was only a second cousin of hers. And those old blind people receive just as good attention as the Indians can give them. In regard to their children. The Indian child's spirit is never broken. If it is away and gets sick, the Indian parents want to go right up there and camp. We ought to have some kind of hospital, so we can take them there, and the Indians would be willing to put their children in there, too.

The CHAIRMAN. This reservation is so large it seems to me that if a hospital were established it would be inadequate to meet the require-

ments you suggest, because it would be so remote from some parts of it.

Mr. EMERY. No, not if it is located at Nespelum. It is only a short day's drive over there.

The CHAIRMAN. You think that one hospital at Nespelum would supply the requirements?

Mr. EMERY. Yes, sir.

The CHAIRMAN. Do you have any idea what the cost would be?

Mr. EMERY. I have no means of telling.

The CHAIRMAN. You say that the saloon men work in collusion with the bootleggers?

Mr. EMERY. Yes, sir. I caught one fellow that had eight bottles of whisky behind a saloon. I walked out on him and took the whisky away from him. He was brought up and plead guilty to attempting to sell whisky and was given one year. We tried to get him to "come over," but he would not do it; that is, he refused to testify against anyone else. He was hired by the saloonkeeper, but we could not prove it.

The CHAIRMAN. He sells on commission?

Mr. EMERY. Yes, sir. He sells a bottle from 75 cents to \$5, and there is about 25 cents worth of real whisky in it.

The CHAIRMAN. Do you have great difficulty in convicting the bootlegger?

Mr. EMERY. Yes, sir; we do not have so much trouble in the State courts as in the Federal courts. There is a tendency in the Federal courts to give the benefit of every doubt to the accused. When they are convicted there, they get only about 60 days. Some of them get two years. They prefer to go to the Federal courts for trial; so much so that the last two I caught wanted to be taken down to Spokane and tried.

The CHAIRMAN. As to the sentiment, from some things you suggested yesterday I gathered that there was a feeling among the people in this district that the Indian was regarded somewhat as public property anyway, and they are not in sympathy with prosecutions for violations of these laws?

Mr. EMERY. Yes, sir; that is true. This town of Omak was founded by people living at Okanogan who did not like conditions there and moved down here. When I came here four years ago an Indian could ride right into the town of Okanogan and buy a drink at the bar. I lost this finger over there trying to put a stop to such business and came very nearly losing my life several times; but since, it has always been possible for the Indian to get his whisky on the outside.

The CHAIRMAN. What would you suggest to remedy these conditions?

Mr. EMERY. I have tried every way. We have done everything we can, but it is hard in the face of the feelings against me in these border towns.

The CHAIRMAN. You said that when an Indian was drunk he wanted to dispose of whatever property he could dispose of. What title can an Indian give to the purchaser?

Mr. EMERY. Just as good as you can.

Senator TOWNSEND. Part of your duties is to go to the Indians and teach them agriculture?

Mr. EMERY. Yes, sir. We devote what time we can to them individually. We go to him and advise him and help him sell his crop, and encourage him to build fences, and tell him when to plant his crop, and offer to get seed for him, and some of them are very proud of the results. I think within the next four or five years they will all be practically self-supporting.

Senator TOWNSEND. Do any of the young Indians go away to school?

Mr. EMERY. Yes, sir. A few go to the Tacoma School, Cushman School.

Senator TOWNSEND. Can you see that they are improved, so far as thrift and industry is concerned?

Mr. EMERY. Yes, sir. I know of one case especially. John Cleveland, who was secretary for Father De Rouge at the St. Marys Mission School, saved up some money, and he asked me to get the father to let him off two weeks to fence his land and get some grain to sow some wheat. I did, and the results he attained were very pleasing to him. He was very proud of what he had done.

Senator TOWNSEND. What proportion of the Indian children are in some sort of school?

Mr. EMERY. Every child that is physically able is or will be in school on the 1st day of October; that is, in the 15 townships in my district.

Representative STEPHENS. The surplus lands are excluded to be offered for sale or homestead entry, and there will be no reservation?

Mr. EMERY. I believe that the timber lands will be held for grazing purposes.

Representative STEPHENS. What is the condition of your district as to timber?

Mr. EMERY. We have a great deal of timber in five townships, similar to that known as the big bend country.

Representative STEPHENS. Do these lands sell readily?

Mr. EMERY. No, sir; because there is little improvement in this country at present.

Representative STEPHENS. Do the Colvilles have tribal funds?

Mr. EMERY. Yes, sir.

Representative STEPHENS. Is there any reason why that fund could not be used in sanitary equipment and maintenance?

Mr. EMERY. I do not know about that.

Representative STEPHENS. There is a law that especially authorized the withdrawal of money from the Treasury, the pro rata share of the Indian, and expending this money for his care and support, is there not?

Mr. EMERY. I don't know. But we have old Indians who refuse to accept money from the Government. We have one blind woman named Collet who has two blankets and one horse. One winter she subsisted on roots. I secured loans for her and she drove me out of the house and would have nothing to do with me. She would not accept it from any source. Mr. Johnson has placed everything at our disposal, but they will not suit.

Representative STEPHENS. To what extent do you employ Indians for work?

Mr. EMERY. Well, this young man, Pierish MacCreigor, runs a gasoline engine and separator.

Representative STEPHENS. Was this road constructed by Indian labor?

Mr. EMERY. Yes, sir.

Representative STEPHENS. What do you pay the Indian?

Mr. EMERY. \$2.50 for the Indian and \$5 for the Indian and his team.

Representative STEPHENS. Have you any hospital facilities for trachoma and tuberculosis?

Mr. EMERY. No, sir.

Representative STEPHENS. Is there any reason why the abandoned buildings at Fort Spokane could not be used for that purpose?

Mr. EMERY. We want something central; and that is too big, too. And when the child is away and gets sick it is hard to do anything with him.

Representative STEPHENS. What is your idea of sending them to Arizona or New Mexico for treatment?

Mr. EMERY. We can do it here. They say here, "If he has to die, let him die here."

Representative BURKE. Would it be practicable, in your opinion, to employ a field matron?

Mr. EMERY. My experience has been limited to our country, and it is too mountainous. We had one and she was not very valuable. A few might be but this one was not.

Representative BURKE. What have you to say about the maintenance of the Indian courts—whether it is desirable?

Mr. EMERY. I look to the Indian courts as the solver of many of our problems. They are bitter against the sale of whisky to the Indians. One of our chiefs said, "Okanogan all same hell."

Representative BURKE. If you did not have whisky all the minor offenses would be overlooked?

Mr. EMERY. Yes, sir. All these offenses are tried in the Indian courts. When they get through they give me the facts and I give the sentence.

Representative BURKE. Do they determine cases of horse ownership and the like, and cases of adultery?

Mr. EMERY. Yes, sir.

Representative STEPHENS. What is the condition here as to whether divorces are prevalent?

Mr. EMERY. They are all Catholics.

Representative STEPHENS. What force have you under you in this district?

Mr. EMERY. I have two Indian policemen who get about \$20 a month and daily rations. If I could be given suitable help with competent white men who could be used as policemen and at the same time go to the Indian and give him individual instruction as to how to manage his things and do his work, I could accomplish a great deal more than I do. I have only two policemen.

Representative STEPHENS. What about the protection to the forests?

Mr. EMERY. I have nothing to do with that at all.

Representative BURKE. Are any of your Indians employed to any extent outside of the employment they get from you?

Mr. EMERY. No, there is no opportunity.

Representative STEPHENS. Are any of the old Indians acquiring live stock?

Mr. EMERY. They only acquire such live stock as they can dispose of in the winter. Every Indian has four or five cattle. We have some who have two and three hundred head. The first thing we do for them is to build them a house and furnish them tools, and if they can care for stock we get them for them. They get a per capita payment of \$500.

The CHAIRMAN. In that connection, Mr. Johnson testified that out of that per capita payment some homes had been constructed, and that 59 were built during the fiscal year 1912.

Representative BURKE. You have no way of preventing the Indian from leaving the reservation and seeking employment elsewhere, have you?

Mr. EMERY. No, sir.

Representative STEPHENS. Do you employ them at the sawmills?

Mr. EMERY. Yes, sir; I employ them wherever I can. In all of our work around the agency we do all of our work by the Indian labor.

Representative CARTER. You said something about the Indians not taking the money due them. What are the reasons for that?

Mr. EMERY. There are several reasons. They—we sold their lands without asking them and——

(Mr. Johnson, superintendent of the Colville Reservation, recalled.)

Mr. JOHNSON. My experience along that line is that they refuse because purely of sentiment. They consider that the earth is their mother, and to sell it is to sell a part of their mother's body. One of them said: "I can no more sell this land than I can sell a portion of my body." That is the feeling among the Colville Tribes.

Representative CARTER. None of the young people feel that way, do they, only as they are influenced by the older people?

Mr. JOHNSON. Mostly the old people. But I think that feeling will be overcome. One of them, by the name of Antoine, came to me last summer when I was holding hearings. He says, "Now, you help me get my money and I will help you do anything you want to do."

Representative CARTER. How do you pay this money to them?

Mr. JOHNSON. It may be paid to them in the form of vehicles, farm tools, implements, houses, and things of that kind. We have now in the Treasury approximately \$200,000, tribal moneys, which is now the proceeds of the Colville Reservation. It exists in money collected for railroad rights of way and various easements across the tribal lands.

Representative BURKE. I understand that it also includes money paid in for mining lands.

Representative CARTER. Is there not some lease money?

Mr. JOHNSON. That is not included in that amount I mentioned.

Representative BURKE. Is this an Executive order reservation?

Mr. JOHNSON. Yes, sir.

Representative BURKE. How many applicants have they for enrollment?

Mr. JOHNSON. One thousand. Eight hundred are pending in the department, and I have an accumulation of 150 or more.

Representative CARTER. What is the process of enrollment?

Mr. JOHNSON. They file their applications with me and I investigate them, present them to the tribal council, which acts upon them in an advisory capacity, and then I submit them to the department.

The CHAIRMAN. Do you make a recommendation to the tribal council?

Mr. JOHNSON. No, sir; I present the cases to them; they act upon them, and then I report the whole matter to the Indian Office.

The CHAIRMAN. Have you reported and recommended most of them?

Mr. JOHNSON. I have reported 800.

The CHAIRMAN. How many of that 800 did you report favorably?

Mr. JOHNSON. I do not know. There were three separate reports, and I suppose about 500—over half of them. Approximately half, I should say. The tribal council voted favorably on some that I did not report favorably. There were a few exceptions where I decided that the council had voted unfavorably by reason of prejudice.

The CHAIRMAN. You have 150 that you have not reported on?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. Are you familiar enough with them to tell about how many you will report favorably?

Mr. JOHNSON. About one-third of them.

The CHAIRMAN. Has the department acted on any of these 800?

Mr. JOHNSON. No, sir; they are under consideration there now.

The CHAIRMAN. When were the first ones reported?

Mr. JOHNSON. December 15, 1911. There were in the neighborhood of 200 reported at that time. The second lot was reported in September, 1912—about 300; and the last lot was reported June 24, 1913—300.

The CHAIRMAN. Has the time for application expired?

Mr. JOHNSON. No, sir; no date is set for expiration. I am continually receiving applications, and I presume I shall until the department advises me that no more shall be received.

The CHAIRMAN. Are most of them full bloods?

Mr. JOHNSON. No, sir; mostly mixed blood. There are a few intermarried whites who have filed for adoption, but they do not belong to these tribes of Indians. Some of them are descendants of Indian women who married Frenchmen and went to Montana and Idaho three or four generations back. But the Indian council has claimed that there might be a slip somewhere. They feel that the only proof they have is the affidavit of the applicant.

Senator TOWNSEND. What was your reason for turning down some of these applications?

Mr. JOHNSON. In a large number of cases they have come to this council as Nez Perce Indians. They are related to Joseph's band of the Nez Perce Indians and live on this reservation. Of course, there is no land for them, and they feel that by reason of their relation to the Nez Perce Band they are entitled to land. I have recommended against most of that class of Indians.

The CHAIRMAN. What is your objection to your submitting this to the tribal council, and what effect does the report of the tribal council have upon your report to the department?

Mr. JOHNSON. I think you misunderstand my method of submitting these cases. To be enrolled an Indian submits his application.

I require him to prepare an affidavit setting forth his family history, the extent of his association and affiliation. When I have a sufficient number of them to justify it, I summon a tribal council, and I read these affidavits to the council, but I do not express any opinion to the council. The minutes of the council are kept, if any additional investigation is necessary, and then I submit my recommendation to the department. The Indians know nothing of my recommendations to the department because it is made after their meeting. The department is not always guided by my recommendations. Sometimes it seems to me that they pay little attention to my recommendations. They have full information before them and act at their discretion.

THE CHAIRMAN. The action of the Indian council is merely advisory to you?

MR. JOHNSON. Yes, sir.

THE CHAIRMAN. How many bands have you on this reservation?

MR. JOHNSON. The Lake, the Colville, the San Poel, the Nespelum, the Columbia, the Okanogan, and Joseph's Band of the Nez Perce.

THE CHAIRMAN. How much land does each Indian get on the reservation?

MR. JOHNSON. Eighty acres of agricultural land or 160 acres of grazing lands. The child gets the same as a grown person. The north half of the reservation was allotted under a different law, and each man, woman, and child got 80 acres regardless of the character of the land.

THE CHAIRMAN. It will be impossible for you to complete your allotment until you get a final report on the enrollment?

MR. JOHNSON. Yes, sir. That is one thing that is holding back our allotting agent, and causes unjust criticism to the local officials.

THE CHAIRMAN. That criticism comes from people who expect to be profited when the allotments are made, does it not?

MR. JOHNSON. Yes, sir. It comes largely from miners whose fraudulent claims have been interfered with by the allotting agent.

Representative STEPHENS. Do the applicants for enrollment employ attorneys?

MR. JOHNSON. No, sir.

Representative STEPHENS. Have any of them made any contract by which they are to pay compensation in case they are enrolled?

MR. JOHNSON. No, sir.

Representative STEPHENS. Do the cases now pending have to be determined each one upon its own merit, or would a decision in one case determine perhaps a large number?

MR. JOHNSON. I think 90 per cent of the cases would have to be determined upon their individual merits, with the exception of the Nez Perces who are applying for enrollment. A decision of one of those would practically settle all of them.

Representative STEPHENS. Do you have many applicants for patents in fee alleging incompetency?

MR. JOHNSON. Not many.

Representative STEPHENS. There have been some fee patents granted?

MR. JOHNSON. Yes, sir; about 50.

Representative STEPHENS. What has been the result as to whether the Indian conserves his land?

Mr. JOHNSON. I think 75 per cent of the Indians have sold their holdings, but at least three-fourths of those who have sold their lands have made good use of the proceeds.

Representative STEPHENS. Do you think there is much difference between the Indians and the white people as to conserving what may come to them by inheritance.

Mr. JOHNSON. There is a tendency to dispose of that which comes easy regardless of the race.

Representative STEPHENS. You have said that some applications have been pending since 1911?

Mr. JOHNSON. Yes, sir.

Representative STEPHENS. What has been your experience with the department in obtaining what is necessary to administer your agency?

Mr. JOHNSON. My experience has been very good. The bureau has always acted on our correspondence very promptly. I do not think that any of my requests have been turned down, but we have been hampered by a method that the Indian Office has adopted in the way of purchases of what is known as Indian Office Circular No. 675, which requires that all purchases of any considerable amount, except emergency purchases, be handled first through the warehouses, that is, we procure competitive bids locally and from the warehouses. It takes generally six weeks to get bids through the warehouses, and then we send in our recommendations. The purchases are made and the shipments come generally from Chicago and St. Louis, and it takes about three months to do all this.

Representative STEPHENS. Tell us about Dr. Lane's case.

Mr. JOHNSON. When Dr. Lane came here it was with the understanding that he was to be furnished with a team, harness, and buggy. At that time we had an epidemic of smallpox and one or two cases of —— here, and I considered it important that he get a buggy and harness and get to work. I thought it was an emergency case, and recommended that circular 675 be waived and I be allowed to purchase a horse and buggy for \$125. I was advised that I must comply with circular 675; I immediately requested the warehouse to secure bids. In the course of time this was complied with and I made my selection, but we have not yet received the buggy. I can not say off-hand what the status of the matter is at this time. I recommended that a certain buggy be purchased from the St. Louis warehouse for \$80. I don't know what the freight would be, but the combined purchase price and freight will be less than \$125. The expense we have been to here in hiring a buggy has been more than enough to overbalance that.

Representative STEPHENS. This expenditure of money, Indian money, as I understand it—you purchase tools, implements, etc., from that, do you?

Mr. JOHNSON. Yes, sir.

Representative STEPHENS. Is the Indian required to make his purchases at places that may be suggested by you, or some one under you, or is he permitted to buy anywhere he wants to, provided the price is not excessive?

Mr. JOHNSON. Yes, sir. He is given what is known as a purchase order, saying, "Bearer, So-and-so, has been authorized to purchase the following articles, not exceeding the price of so-and-so." Some-

times we will omit the price when there is a great range. Sometimes the Indian fixes out his own order and brings the wagon or whatever he buys to the farmer of his district, who examines it to see if he has made a good bargain.

Representative STEPHENS. Do you require them to purchase any particular make of implement?

Mr. JOHNSON. No, sir; any make he wants.

Representative STEPHENS. Suppose the farmer does not approve the bargain?

Mr. JOHNSON. The dealer is advised that it will not be paid for and the purchase is sent back. But I think we have never had a case like that.

I wish to say that the present law in regard to the liquor traffic that it will be a crime to introduce liquor into the Indian country, which includes the Indian reservation, does not say that it is a crime if one has in his possession liquor in an Indian country. We have a great deal of difficulty in proving that liquor has been introduced. If we find a fellow with a suitcase full of whisky, we can not prove that he introduced it there and our prosecutions fail. I think that the law should be amended so as to provide that possession is evidence of introduction.

Representative STEPHENS. Doesn't the statute provide that possession of liquor shall be prima facie evidence of introduction?

Mr. JOHNSON. No, sir. I suggest that remedy. It has struck at the very vitals of our prosecutions here. The law also provides that the superintendent, the subagent, or other officer may search the vehicle or place of concealment where liquor is supposed to have been introduced, but the Federal courts hold that that authority is not broad enough to authorize the search of the person.

The CHAIRMAN. Are these bootleggers pretty well known, as a rule?

Mr. JOHNSON. Yes, sir.

I want to correct another statement of Mr. Emery's. He said that all the timber lands would be held as tribal grazing land. That is not correct. There was a bill introduced into the last Congress with that in view, but it did not become a law, although it should become a law.

The CHAIRMAN. What is the population of Keller?

Mr. JOHNSON. The white population is not over 50. It depends for its support on local traffic. It is in Ferry County.

I wish to emphasize the importance of legislation to keep the liquor out of this Indian country during the trust period and on the allotments. After the reservation is opened the little town sites will simply become places for saloons, and the Indians will be debauched altogether.

STATEMENT OF FATHER DE ROUGE, ST. MARYS MISSION, OMAK, WASH.

Father de Rouge first being duly sworn by the chairman, testified as follows:

The CHAIRMAN. Father, how long have you lived in this country?

Father DE ROUGE. About 28 years. I am a Frenchman.

The CHAIRMAN. What work are you engaged in?

Father DE ROUGE. Educating the Indians.

The CHAIRMAN. You are at the St. Marys Mission School for the Indians, 4 or 5 miles from here, are you not?

Father DE ROUGE. Yes, sir.

The CHAIRMAN. How long has that been in operation?

Father DE ROUGE. About 25 years or more. At first I was at Tenasket, and then I established the school here.

The CHAIRMAN. How long have you been conducting the school on the present site?

Father DE ROUGE. About 28 years.

The CHAIRMAN. What number of pupils have you there now on the average?

Father DE ROUGE. The total enrollment last year was 121.

The CHAIRMAN. What percentage of those are whites?

Father DE ROUGE. Very few. I think we had about 15 white students last year.

The CHAIRMAN. What do you teach there?

Father DE ROUGE. A little of everything. Agriculture, reading, writing, commercial courses, bookkeeping, and typewriting, and we have a little college course for Greek and the sciences. We have a boy graduate at Lacy College. We have two or three following that will be bright enough to be college graduates after a while.

The CHAIRMAN. Your school is under the auspices of the Catholic Church, is it not?

Father DE ROUGE. Yes. We have four men teachers for the boys and one lady for the maiden class. We have a carpenter shop, farms, gardens, and flower gardens; some of the boys are learning masonry, painting, drawing, and a little taxidermy.

The CHAIRMAN. Do you graduate pupils from the St. Marys School?

Father DE ROUGE. No; my plans are to get three or four college graduates back here for the influence it will have on the other children and set an example for them.

The CHAIRMAN. What number of pupils do you usually have of advanced age?

Father DE ROUGE. We had one last year 21 years of age, and 19 and 18, and down.

The CHAIRMAN. Do you have considerable number over 15 years of age?

Father DE ROUGE. Yes; about one-third.

The CHAIRMAN. Do you have any difficulty about discipline?

Father DE ROUGE. Very little. As a rule, they are orderly.

The CHAIRMAN. Do you make any effort to teach sanitation or hygiene?

Father DE ROUGE. Yes; we have an infirmary and a hospital; that is better than their homes.

The CHAIRMAN. Is that the only hospital that you know of on this part of the reservation?

Father DE ROUGE. Except Okanogan; but that is not on the reservation. My school is on the reservation.

The CHAIRMAN. Do you find tuberculosis and trachoma very common?

Father DE ROUGE. Yes. Last year I think we had about 15 boys and about the same number of girls. The doctor made a report that he found less in my school than in any other school. I think it was

37 per cent of trachoma cases. He did not make a report about tuberculosis.

The CHAIRMAN. Do you come in contact with parents of the pupils who attend your school?

Father DE ROUGE. Yes.

The CHAIRMAN. Have you observed whether there has been an improvement in this particular among the mature, grown Indians?

Father DE ROUGE. Yes; in a good many ways; but of course they don't know how to do things.

The CHAIRMAN. Have you an opinion as to whether trachoma is increasing here?

Father DE ROUGE. I do not think it is.

The CHAIRMAN. When you first came here, 28 years ago, did you observe trachoma here then?

Father DE ROUGE. It was called "sore eyes" then. We never had much trouble then.

The CHAIRMAN. When did you first begin to observe trachoma among the Indians and begin to consider taking steps to diminish or treat it?

Father DE ROUGE. About two years ago. Up until that time no particular attention was paid to it. Of course, we had a prescription and followed that. But it was called sore eyes then.

The CHAIRMAN. Yours is a boarding school?

Father DE ROUGE. Yes, sir.

The CHAIRMAN. What precautions do you take now to prevent the spread of trachoma?

Father DE ROUGE. Each one has his own towels. The racks are far enough apart to have separate towels and not touch each other. We have separate wash basins for those under treatment. Then we have disinfecting tablets for washing.

The CHAIRMAN. Do they readily take those prescriptions?

Father DE ROUGE. They are very careless.

The CHAIRMAN. You could not state what percentage of your pupils at an earlier time had trachoma?

Father DE ROUGE. No.

The CHAIRMAN. When did you first begin to give attention to tuberculosis?

Father DE ROUGE. Last year was the first time. The doctor attends to that.

The CHAIRMAN. Up until that time you did not exclude anyone for tuberculosis?

Father DE ROUGE. No.

The CHAIRMAN. Dr. Lane has stated that while you were away he performed operations for trachoma on about 20 pupils. In visiting in the homes of Indians do you administer religious rites to them?

Father DE ROUGE. Oh, yes.

The CHAIRMAN. And you have been in the habit of doing that since you came here?

Father DE ROUGE. Oh, yes.

The CHAIRMAN. And that is probably what brought you here?

Father DE ROUGE. Yes.

The CHAIRMAN. How is your school maintained?

Father DE ROUGE. By the church.

The CHAIRMAN. Are the pupils required to pay anything?

Father DE ROUGE. Five cents a meal.

The CHAIRMAN. Does the church contribute anything to the support of your school.

Father DE ROUGE. We have a regular fund for mission kept by the Catholic Bureau in Washington. Mother Drexel has been helping me some.

The CHAIRMAN. Do you undertake to teach the idea of self support.

Father DE ROUGE. Yes.

The CHAIRMAN. What have you observed with reference to the pupils that have gone through your school in regard to thrift and industry?

Father DE ROUGE. We did not have so many to leave school because it was so hard to get them to stay with the school.

The CHAIRMAN. What do your pupils do as a rule when they get out of your school?

Father DE ROUGE. Go to their allotments, or stay on the reservation.

The CHAIRMAN. Do you find any difference between the Indians who attend your school and those who do not attend it?

Father DE ROUGE. Yes; for instance, this Indian superstition is dying away when they get where they can learn better. One Indian who had been to my school when he went back home he objected to the medicine man treating them.

The CHAIRMAN. What are their habits with reference to the manner of living in their homes as compared with the Indians who have not had the advantages of your school training?

Father DE ROUGE. There is not such a great big improvement as yet. We have not turned out enough large boys and girls yet.

The CHAIRMAN. What are the difficulties you have in the work which you have pursued so long and so forth?

Father DE ROUGE. Of course, you can not expect that the old ones would readily take an education, and when the girls get about 14 they want them to marry. They used to sell their girls, but they do not do that now.

The CHAIRMAN. How long has it been since you heard of anything like that?

Father DE ROUGE. Several years. One trouble is to get them back in school. I open my school the 1st of September, and three months' vacation is too much. When they get out for vacation the boys go out in the camps with them to the little towns and they get drunk and that has a bad effect on the boy and it is hard to get him back in school. As Mr. Emery stated, they have only two policemen here and they can't make them go to school.

Senator TOWNSEND. Do you have anybody in your school who are not Catholics?

Father DE ROUGE. Yes, sir. We have made no difference. We have white persons there, but there are few on this side of the reservation.

STATEMENT OF PIERISH M'CREIGOR (INDIAN).

Pierish McCreigor, first being duly sworn by the chairman, testified as follows:

Mr. McCREIGOR. I am a quarter white and three-quarters Indian of the Okanogan Tribe. I have been raised in this locality. My parents

are dead. I can not say just how old I am. I work around at any kind of work I can find. I have been haying, harvesting, and feeding cattle and horses.

The CHAIRMAN. How far from Okanogan and Omak have you been in the habit of going for work?

Mr. McCREIGOR. I have not been on the outside very much. I have been to Nespelum. I have been to Fort Spokane once.

The CHAIRMAN. What other towns have you visited that you remember?

Mr. McCREIGOR. Republic, Oroville, Loomis, and Night Hawk.

The CHAIRMAN. Did you ever go to school?

Mr. McCREIGOR. Yes, sir; about three years at Tenasket and at the mission a year and a half. I was in school about seven or eight years in all. I read and write. I do not vote, and never have voted.

The CHAIRMAN. Are you pretty well acquainted with the Indians in this district?

Mr. McCREIGOR. Yes.

The CHAIRMAN. Do you hear complaints as to conditions among the Indians?

Mr. McCREIGOR. Not very much. Everything I hear I don't pay much attention to.

The CHAIRMAN. But I want to know what you have heard. Go ahead and state them.

Mr. McCREIGOR. I generally forget most of them.

The CHAIRMAN. Do they complain about having to take their allotments?

Mr. McCREIGOR. Some of them.

The CHAIRMAN. What do they say about them?

Mr. McCREIGOR. They have not got much to say about that but there are a few who do not want to take their allotments.

The CHAIRMAN. Do they say why?

Mr. McCREIGOR. No.

The CHAIRMAN. Do you drink?

Mr. McCREIGOR. Yes, sir.

The CHAIRMAN. Did you ever get drunk?

Mr. McCREIGOR. Once in a while.

The CHAIRMAN. How many of the Indians that you know are in the habit of drinking?

Mr. McCREIGOR. I can't tell you, but there is more than one.

The CHAIRMAN. How do you get your liquor?

Mr. McCREIGOR. I have been working out and go into town and there will be a lot of my friends there and they will ask me to have a drink. They are mostly Indians. I don't know how they get it.

The CHAIRMAN. Do the Indians help to enforce the liquor laws?

Mr. McCREIGOR. They work to get around it.

The CHAIRMAN. They love whisky and want to feel good over it?

Mr. McCREIGOR. Yes, sir.

The CHAIRMAN. Do you ever get any bootlegger's whisky?

Mr. McCREIGOR. Yes; once in awhile when I am traveling.

The CHAIRMAN. How many bootleggers do you know?

Mr. McCREIGOR. I don't know. I have seen lots of them.

The CHAIRMAN. They are mostly white people?

Mr. McCREIGOR. Yes, sir.

The CHAIRMAN. Are there many of them around here now?

Mr. McCREIGOR. Quite a bunch of them.

The CHAIRMAN. Where do they stay?

Mr. McCREIGOR. Around the country.

The CHAIRMAN. Do they live in the towns or in the country?

Mr. McCREIGOR. They live at Okanogan. They have saloons there.

The CHAIRMAN. Do you drink in the saloons?

Mr. McCREIGOR. No; they won't allow me in there.

The CHAIRMAN. What property do you own besides your allotment?

Mr. McCREIGOR. I generally have a saddle horse or two.

The CHAIRMAN. Have you a family?

Mr. McCREIGOR. No.

The CHAIRMAN. You had a little trouble lately, did you not?

Mr. McCREIGOR. Yes.

The CHAIRMAN. You are in jail now?

Mr. McCREIGOR. Yes.

The CHAIRMAN. Were you drunk when you got into that trouble?

Mr. McCREIGOR. No; drinking a little.

The CHAIRMAN. Do you observe that Indians have most of their trouble when they are drinking.

Mr. McCREIGOR. Yes; when they feel good and don't care what they do.

The CHAIRMAN. Do you or any other Indians take any other drug besides whisky?

Mr. McCREIGOR. Most of them used to drink Jamaica ginger.

The CHAIRMAN. What do the Indians eat?

Mr. McCREIGOR. Deer, grouse, bear, or something like that.

The CHAIRMAN. Do they eat beef?

Mr. McCREIGOR. Once in a while.

The CHAIRMAN. Do the Indians in this country have all they need and want to eat?

Mr. McCREIGOR. There are a very few that are not well fed.

The CHAIRMAN. How do you think the Indians are getting along as compared to when you were a boy?

Mr. McCREIGOR. They are doing better than they used to. They raise lots of garden stuff. They commenced to raise gardens four years ago.

The CHAIRMAN. How does Mr. Emery get along with the Indians?

Mr. McCREIGOR. Pretty good.

The CHAIRMAN. Do they believe in him?

Mr. McCREIGOR. Most of them.

The CHAIRMAN. Who complain of him?

Mr. McCREIGOR. The drinkers.

The CHAIRMAN. Do you say the Indians who do not drink believe in Mr. Emery?

Mr. McCREIGOR. Yes.

The CHAIRMAN. Those who do not like him?

Mr. McCREIGOR. Don't like him.

The CHAIRMAN. Have you noticed anything about these diseases among the Indians?

Mr. McCREIGOR. No; I do not know about that.

The CHAIRMAN. You don't know whether there are more sick than there used to be?

Mr. McCREIGOR. No, sir.

The CHAIRMAN. If a place was established at Nespelun to doctor the Indians who have diseases, do you think the Indian parents who have sick children would let them go there for treatment?

Mr. McCREIGOR. Most of them might. Some of them would hang on to them.

The CHAIRMAN. Would they want their children carried away to be treated?

Mr. McCREIGOR. No, sir; I don't think they would.

The CHAIRMAN. Do you know Dr. Lane?

Mr. McCREIGOR. Yes, sir.

The CHAIRMAN. Does he go about among the Indians very much?

Mr. McCREIGOR. Yes.

The CHAIRMAN. You never heard talk about what he is doing?

Mr. McCREIGOR. No, sir.

The CHAIRMAN. Do you know Mr. Johnson?

Mr. McCREIGOR. Yes, sir; the first time I saw him was last fall at the council.

The CHAIRMAN. What tribes were there?

Mr. McCREIGOR. All were there that are on this reservation.

The CHAIRMAN. Did they have a good meeting?

Mr. McCREIGOR. Yes; pretty good.

The CHAIRMAN. How do the Indians like Johnson?

Mr. McCREIGOR. Pretty good.

The CHAIRMAN. Do you know Mr. Avery?

Mr. McCREIGOR. No.

The CHAIRMAN. Do you know of any particular things on the reservation that have happened lately that you think were wrong?

Mr. McCREIGOR. No, sir.

The CHAIRMAN. Have you seen any prospectors for mines in here?

Mr. McCREIGOR. No.

The CHAIRMAN. Do the white men and the Indians have any trouble about cattle?

Mr. McCREIGOR. Not that I know of.

The CHAIRMAN. Is there much hunting on the reservation?

Mr. McCREIGOR. I don't know.

The CHAIRMAN. Have you seen many white hunters?

Mr. McCREIGOR. There is a good many of them.

The CHAIRMAN. Is there much timber on the reservation?

Mr. McCREIGOR. A good deal.

The CHAIRMAN. Have you heard anybody say anything about taking timber that did not belong to them?

Mr. McCREIGOR. No.

The CHAIRMAN. Have you talked lately with Indians who had anything to say about how things are going on here?

Mr. McCREIGOR. No.

The CHAIRMAN. Do the Indians want the surplus lands sold and white people settle among them?

Mr. McCREIGOR. I don't know. There is a good many of them who want to hold the reservation and don't want the white settlers to come on.

Senator TOWNSEND. What do some of the Indians complain about?

Mr. McCREIGOR. I don't know.

Senator TOWNSEND. Haven't you heard any of the Indians find fault with Mr. Johnson?

Mr. McCREIGOR. No.

Senator TOWNSEND. All of the Indians you have talked with think that they are being treated all right, do they?

Mr. McCREIGOR. Yes.

Senator TOWNSEND. Do you think that you have been treated all right?

Mr. McCREIGOR. So far.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, February 7, 1914.

Hon. JOE T. ROBINSON,

United States Senate.

MY DEAR SENATOR: In accordance with your informal request of this date, I have the honor to transmit herewith a copy of office letter dated February 5, 1914, addressed to the Indian delegates from the Colville Reservation, Washington, answering certain complaints and inquiries made by them to this office.

Very truly, yours,

E. B. MERITT,

Assistant Commissioner.

FEBRUARY 5, 1914

Mr. JOSEPH THOMAS,

Mr. PAUL SMITKEN,

Mr. JOE MOSES,

Mr. JIM HOMAS,

Colville Indian Delegates, Washington, D. C.

MY FRIENDS: The office has considered carefully the statements made by you on February 3, 1914, relative to the affairs on the Colville Reservation, and the following answers are made to your complaints and inquiries in order that you may have full information and may advise your people in regard to these matters.

1. *Protest to opening of reservation.*—In order that you may understand fully why your reservation is to be opened to settlement, the following brief history of the agreement with your people is given.

Under the agreement of May 9, 1891, the Indians of the Colville Reservation ceded to the United States the northern part of their reservation, for which Congress, by act of June 21, 1906 (34 Stat. L., 377), appropriated \$1,500,000 to pay them for the lands so ceded and opened to settlement.

By a further agreement of December 6, 1905, known as the McLaughlin agreement, your people relinquished to the Government all their right, title, and interest in and to the south half of your reservation, and Congress, by the acts of March 22, 1906 (34 Stat. L., 80), and June 21, 1906, *supra*, adopted these agreements.

The said act of March 22, 1906, provided for the allotment and disposition of your surplus lands, and that the proceeds derived from the sale thereof should be credited to the tribal funds for your use and benefit. Further, section 4 of the act reads:

"That the said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereon."

These lands will not be thrown open to settlement and entry until after the allotments have been made to all members of the tribe entitled, and the remaining or surplus lands shall have been classified and appraised as required by the act. However, the office is powerless to prevent the opening, as it must carry out the law as passed by Congress.

As you and your people in making the agreements referred to gave your assent, and Inspector McLaughlin reported that there was not the slightest opposition manifested to the act of June 21, 1906, under which the lands are to be thrown open, it does not appear that you and your people are being treated unjustly by the opening of the reservation.

The office sympathizes with you in the loss of your chief a year or so ago. There are, however, other good men among your people on the reservation, who are capable of leading, and are anxious and willing to aid in the work of having the members of the

tribe take their lands and establish homes thereon in order that they may be properly fitted to take their places as individuals with the white civilization which is soon to be admitted among them. Your superintendent and ex-Supt. Webster are both men who have your best interests at heart, and are doing all in their power to aid you and your children in this matter. Should you be mistreated by the whites or others, you should at once go to your superintendent and give him all the facts, in order that he may advise you or take such other action as may be proper.

2. *Timber matters.*—The reference to complaint about timber matters made by Jim Homas is not sufficiently clear to enable the office to make an intelligent answer. If he will make such complaints as he may have with reference to timber to Supt. Johnson, they will at once be carefully investigated and a report will be made thereon to the office to the end that any injustice that may have been done you or any of your people may be remedied. A carbon copy of this letter will be sent to your superintendent, who will be directed to take up and investigate all matters of complaint referred to him for such action.

As general information concerning timber on the Colville Reservation, you are advised that Indian timberlands, both allotted and unallotted, are managed under the regulations and instructions for officers in charge of Indian Reservations approved June 29, 1911, by the Secretary of the Interior in accordance with authority conferred upon him by sections 7 and 8 of the act of Congress of June 25, 1910 (36 Stat. L., 855, 857). These regulations provide that Indians may take timber from unallotted lands for their own use free of charge; that they must, when cutting timber from tribal lands for sale, pay its stumpage value which is deposited in the tribal fund, and that the proceeds from the sale of such timber as may be cut on allotted lands by Indians shall be placed to the credit of the allottee.

Under the regulations mentioned any properly enrolled Indian of the reservation may cut as much timber on his allotment as is needed for the construction of houses, barn, fences, etc., provided, permission is obtained therefor from the superintendent or this office. Further, the timber must be cut under the supervision of the superintendent, who is charged with the duty of seeing that the Indians do not waste timber in any way.

The requirement that Indians shall pay for timber which they cut from tribal lands for sale is considered fair to all the Indians, since each member of the tribe has an equal share in the tribal property, and one or a few Indians should not be permitted to sell tribal property and place the money in their own pockets.

3. *Hunting and fishing.* With respect to the complaint of Jim Homas that he is prevented from hunting and fishing by "Washington's will," you are advised that you and your people are entitled to hunt and fish on the diminished Colville Reservation whenever they desire, but they can not hunt outside of the same without complying with the laws of the State of Washington, the same as white persons are compelled to do.

The department has, however, urged upon the various superintendents in charge of Indians the necessity of having the Indians while hunting on the reservation comply so far as practicable with the requirements of the game laws obtaining outside of reservation lands. This was done in the interests of and protection for the Indians themselves--so that game could be conserved on the reservation as long as possible as a food supply for the Indians and their children.

Should you desire information as to the exact provisions of the State game laws, and just how far you or any of your people should go in hunting, you should go to your superintendent, who is fully informed and will advise you.

4. *Complaint about a saw and a flour mill, blacksmith shop, and shoeing of the horses.*—Concerning your statement that you are required by the blacksmith to put on the horseshoes made by him, you are informed that you should not expect the blacksmith, who probably has all the work he can do, to shoe your horses when you are able to do the work. Of course, if you or any of your people are unable to shoe horses, you should take the matter up with your superintendent and he will see that the horses are properly shod and that you are taught how to do it yourself.

In general it may be said that the regulations relating to agency sawmills were formulated so as to serve the best interests of the Indians. No profit for the mill is expected upon timber cut from tribal lands and sold to Indians for their personal use. However, it is required that Indians who have lumber cut at the mill or purchase lumber at the mill for their personal use shall pay what it has actually cost to procure that lumber; therefore, when an Indian has logs sawed at the agency sawmill it is usually more convenient for him to pay the cost of this work with a part of the lumber. In such cases it has been found that a fair toll for sawing lumber on most reservations is one-third of the lumber sawed, or, as Joe Moses says in his complaint, "one out of every three boards."

5. *Complaint relative to irrigation ditches.*—In answer to your statement that irrigation ditches have been built and your property therefore taken away, you are advised that the only irrigation work so far undertaken on the Colville Reservation is the construction of a small ditch by the superintendent for the irrigation of gardens about the agency, for which the sum of \$1,175 has been set aside. However, field irrigation officers have undertaken surveys of the reservation for the purpose of determining what portions are available for irrigation, what the expense will be, and the good to be accomplished, and the number of Indians to be aided. As the work indicated is still in progress, a report therefrom is not expected until next year.

There is no disposition whatever on the part of either the department or the field irrigation service to do work contrary to the wishes of the Indians, and all that has been undertaken is solely for their benefit. You and your people appear from the reports of field officials to be progressive, and are said to have shown a very gratifying aptitude for farming. The office, therefore, believes that your people will, as soon as they fully know what is contemplated by the irrigation surveys now being made, not only be willing to have irrigation ditches constructed, but urge that the system be extended to cover as many acres of land requiring water as possible. Of course, should any of the Indians of the reservation be damaged by irrigation work on the ditches which may be constructed, this matter should be taken up by them with the superintendent.

6. *Request for funds from rights of way and cattle grazing.*—In reply to your request for a statement as to what is done with certain moneys which arise from various miscellaneous sources about the agency, you are advised that such moneys are deposited in the fund designated "Indian Moneys, Proceeds of Labor," and are, therefore, subject to expenditure under authority from this office for the benefit of the Indians. As you know the agency is maintained for the sole benefit of your people, and whatever money is expended on behalf of it, of course, results for your benefit. These expenditures are but right and just, as the Indians should contribute to their own support and care so far as they are able to do so.

7. *Money for determination of heirs.*—In answer to your complaint that your people do not wish to pay \$15 to the Government for determining heirship in settling deceased Indians' estates, you are advised that the act of Congress approved June 30, 1913 (Public, No. 4, provides that there shall be paid by the heirs of deceased Indian allottees, or from the estate of such allottees, the sum of \$15 for the determination of the heirs.

Heretofore in many instances where estates were probated in the local courts the attorneys were paid various sums, ranging from \$25 to \$75. You will, therefore, see that the legislation mentioned will result in a great saving to your people.

As Congress has directed this office to make the charge indicated, there is no way in which you could be relieved therefrom.

8. *Heirship lands of wife of Jim Homas.*—Concerning the complaint of Jim Homas that his wife failed to get her share in the allotments of her three deceased sisters, you are advised that the rule of descent under the laws of the State of Washington which give in such cases the brothers and sisters the inheritance only where there is no surviving issue or father or mother of the deceased Indian. However, as the office is unable at present to make a more specific answer concerning your wife's case, this matter will be referred to your superintendent for proper investigation and report, and you will be advised through him of what, if any, relief can be granted.

9. *Complaint relative to thrashing machines.*—With respect to this matter you are advised that on August 1, 1913, the department authorized the superintendent to expend \$3,293.50 from the fund "Proceeds of Colville Reservation, Wash.," in the purchase of three thrashing machines, engines and gasoline to operate them. One of these machines was to be used in the Nespelem district, one in the Rogers Bar district and the other in the Okanogan district. This money was derived from the sale of surplus lands and then used for the promotion of education, civilization, and self-support of your people as authorized by Congress. Section 3 of the act of March 3, 1875 (18 Stat. L., 449) provides that in distributing supplies the superintendent shall require of able-bodied male Indians that they perform labor equal in value to the supplies disbursed; and when your superintendent charges the Indians for the thrashing he does for them, he is only trying to accomplish and carry out the real practice and intention of the act referred to—namely, that of teaching the Indians to become self-supporting and accustomed to paying for what they get just as they will have to do when the Government withdraws its guardianship from their affairs. This practice is also being pursued at other reservations, and any money that the Indians pay for similar services is returned to the credit of the tribe.

10. *Failure of superintendent to protect Indians.*—With respect to your statement that the superintendent was to be sent to the reservation for your use and to be under

you, you are advised that you are surely mistaken. The superintendents of agents who are selected by this office for the purpose of guiding and aiding your people are sent to the Indians to teach them to look out for their own interests and to see that their property rights are fully protected. As you can not, in a great many cases, know what is best for your people, the Indians of the reservation would be the losers should he be compelled to follow their dictates. Of course, it is right for you to go to your superintendent when you want anything to which you are entitled and to tell him fully about it and you should listen to his advice and be governed accordingly.

The office is always willing to listen patiently to your complaints, and to answer letters from you, and is of course anxious to hear from you should any wrongs be done you. In all such cases, however, you should give all the facts in order that the office may be in a position to make a proper investigation. As you yourself will easily understand, any complaints that you may make against your superintendent will have to be referred to him in order that he may be given an opportunity to answer them. This is but fair to him, and what you yourself would expect should complaints be made against you, and to which you have no knowledge.

If you know of any real instances where you or any of your people have been mistreated or improperly dealt with by the superintendent, and will furnish the office all the facts and submit your charges with such evidence as you may be able to obtain, the matter will at once be taken up and thoroughly investigated.

11. *Complaint relative to action of B. F. Emery in whisky cases.*—Your statement that Mr. Emery hires Indians to get whisky for him and then arrests the man that sells the liquor to the Indians seems to the office to be without merit. As you may be aware, the office is doing all in its power to stop the liquor traffic and to stamp out the evil of whisky drinking among the Indians.

Mr. Emery and all other employees in the service are fully advised that it is unlawful to sell liquor to Indians, and are required to do all in their power to apprehend and bring to justice those who supply your people with liquor.

The office expects you as influential men among your people to aid it in the suppression of the liquor traffic, and in giving information, and in every other way in bringing offenders to justice.

Your statement that Mr. Emery gets money for his work of prosecuting liquor men is too indefinite to warrant the office in investigating it. However, if you can give full facts and support your charges by evidence, the matter will be promptly looked into.

12. *Whites opening stores on reservation.*—The act of Congress approved August 15, 1876 (19 Stats. L., 200) provides that the Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes. Further, the acts of March 3, 1901 (31 Stat., 1065) and March 3, 1903 (32 Stat., 1009), provide that any person who establishes to the satisfaction of the Commissioner of Indian Affairs that he is a proper person to engage in trade with the Indians shall be permitted so to do.

From the acts of Congress above mentioned you will see that this office has authority to appoint traders. However, in making appointments of this character, the utmost care is exercised to select persons whose past records and reputations indicate that they may be relied upon to deal honestly with the Indians and comply strictly with the regulations. Your people therefore need have no fear as to the appointment of traders, and should any persons be appointed and afterwards found to be unfair and dishonest in their dealings with the Indians proper action will be taken upon complaint through your superintendent to see that your interests are fully protected.

13. *Trespass on reservation by miners.*—With respect to your complaint that miners enter the reservation and locate mines thereon without your consent, you are advised that there is no authority of law which would permit whites to enter the diminished reservation for the purpose indicated. Should you have knowledge of any persons entering the reservation for the purpose indicated you should at once report the facts in full to your superintendent, who will take prompt and proper steps looking to their removal.

14. *Tribal funds.*—With respect to your statement that you do not get tribal funds due you and that your superintendent gets a percentage, which he pockets, from your transactions at the traders' store, will be taken up with the superintendent, who will be called upon for a full report.

15. *Allotment of Peter Sarsarpink.*—You are advised regarding the allotment of Peter Sarsarpink under the Moses agreement that it is presumed that reference is made to Peter or En-how-chin, who is said to have been a son of old Chief Sarsarpink by his first wife, Kun-un-tit-qua. Some of the Indians have informed Inspector Dalby that Peter was the son of Charlotte, who claims to be a half sister of Chief Sarsarpink. For some reason unknown to this office no allotment was made to Peter under the terms of the Moses agreement. In one of his reports Inspector Dalby said that Old Chief (Sar-

sarpkin did not wish to have Peter allotted at the time the other allotments were made. Subsequently, however, it appears that allotments were made to Peter, Charlotte, and Sophie (daughter of Charlotte) under section 4 of the general-allotment act, the tract allotted to Peter containing 155.52 acres. These three allotments are contiguous and are located between the Moses agreement allotments Nos. 4 and 5 in T. 38 N., R. 25 E., as shown on the plat of said township in this office dated February 26, 1907. Allotment No. 1 of Chief Sarsarkin lies to the south of the allotments of Peter, Charlotte, and Sophie, and allotment No. 6, belonging to the chief, lies to the north.

The office has been pleased to see and talk with you and hopes that you will profit by the advice given in this letter, and that you will aid in the uplift of your people and in making them better men and women.

A carbon of this letter and also of the hearing had with you will be sent your superintendent in order that he may know what was said in the hearing and that he may take up all matters that are herein referred to for investigation and report without further instructions.

In accordance with the request of Joe Moses, the map of the Colville Reservation and certain other papers left by him are herewith returned.

Your friend,

CATO SELLS, *Commissioner.*

ST. MARY'S MISSION,
Mission, Okanogan County, Wa h., November 9, 1913.

HON. C. D. CARTER,

Washington, D. C.

DEAR SIR: When we parted at Omak this fall, you told me to write to you. I was very sorry you could not come yourself and see the Mission. Senator Robinson was very kind, and I think pleased with his visit here.

He met several Indians, or breeds, who did not know if they would be admitted to the reservation or not, after waiting such a long time to find out. Since, some have been notified that they were admitted, and others that they are rejected.

Among these are several Indian children in my school, and I feel sorry for them. These children are certainly Indians, or of Indian blood, and will find themselves without land in the United States. It does not look just, in the same time the land left around here will pass to the whites.

I have sent to Senator Robinson all the reports in the cases mentioned, as he had asked me to do. You can get them from him. He met some of the interested parties here at the mission.

Of course, the parents of the children here are asking me if I can not try to help them out, and I feel like to do what I can, that is to apply to you and to Senator Robinson. Some of the reports, in the first place, were not very correct, and long ago I have tried to represent things better, especially when Inspector McLaughlyn was here and asked me to do so. That was over a year ago. He also has all my reports.

Some of the breeds wanted to take lawyers to fight their case, but I have always dissuaded them to the last. I think the Government can do them justice without going to law. Yet I am sure some will do it in the end.

They ask now that a man would be sent here to reinvestigate their claims, and if a man was impartial, and in favor of the poor Indians, it seems to me that some rights could be established.

Such an investigation should be made right here, where they can get easy their witnesses. If not, it requires expenses to get them. I do not like to have my name used if possible, as I do not mean to mix with other people's business, but I only try to help our people if it is possible to do so. So I leave everything to your good judgment and prudence.

The Senators told us that an inspector would be sent here, and so I tell the people to wait till he comes and see what he can do for them.

Anything you think proper to suggest and advise me to do in the matter will be a favor to me.

I wish you all possible success and good health.

Yours, respectfully,

E. DE ROUGE, S. J.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 19, 1913.

Hon. JOE T. ROBINSON, *United States Senator.*

MY DEAR SENATOR: The office has the honor to acknowledge receipt of your letter, dated December 6, 1913, inclosing one from Father E. de Rouge, of Mission, Wash., who refers to the recent action of the department in granting authority for the enrollment of a large number of persons, mainly of Colville blood, with the Confederated Colville Tribes, and says that many other applicants were denied such rights by the decision mentioned. He adds that some of the mixed breeds whose applications were rejected wish to employ lawyers to fight their cases and that they have asked to have an impartial official of the Government sent to the Colville Reservation to investigate the matter and do them justice.

By the act of June 21, 1906 (34 Stat. L., 377), Congress appropriated one million and a half dollars for the lands of the north half of the Colville Reservation. In the spring of 1909 the department directed that steps be taken to disburse this money pro rata among the Confederated Colville Tribes, and the superintendent of the Colville School was directed to prepare the necessary pay rolls. The corrected rolls were finally submitted to the department and approved October 17, 1910, and steps were then taken to disburse the money referred to. Following this action, a large number of mixed-blood Indians who had been residing in the Colville Valley and other places removed to the reservation, or at least presented themselves for enrollment before the tribal council, in order that they might share in the said proceeds and also receive allotments of land. Their cases were very carefully considered by various tribal councils, and in the summer of 1911 the office submitted to the department 162 applications for the rights indicated, with the result that they were all remanded on August 25, 1911, to the superintendent in order that the council could again express its wishes with respect to admitting these persons to membership. The cases were again reviewed by the council, which voted for or against each applicant, and were likewise in some instances reinvestigated by the superintendent. September 21, 1912, he returned the remanded applications with a large number of additional applications, embracing more than 350 cases. The office thereupon very carefully weighed the evidence in the case of each application and submitted the entire matter to the department on August 5, 1913. September 26 last the First Assistant Secretary approved the views and recommendations of the office in each indicated case, and the superintendent was fully advised and directed to inform all persons in interest of the decision of the department and the reasons therefor.

In view of the careful consideration given by the tribal council representing the Confederated Tribe and the investigation by the superintendent and the close scrutiny given each case by the office to the end that no injustice whatever might be done, it does not seem that any further action could be taken toward reviewing any of the adverse decisions, unless the denial in any case was based upon a mistaken belief as to the facts, or that material facts have come to light not present at the former consideration. No attorneys need be employed in any case, and should an applicant denied the rights indicated be able to establish satisfactorily that there was a mistaken belief as to the facts, or that there has been newly discovered facts which would completely change the status of the case as set out in the decision rendered, such applicant should immediately take the matter up with the superintendent of the Colville School, who will investigate the merits of the motion for review and transmit the same to the office for appropriate action.

I am of the opinion, and I believe you will agree with me in view of the situation as heretofore set out, that it will be unnecessary to send an inspector to the reservation to make a further investigation.

Should you desire to take up the matter more in detail, I will be pleased to communicate further with you in regard thereto. Father de Rouge's letter to Hon. C. D. Carter, dated November 9, 1913, is returned, and a carbon of this answer is furnished for your convenience.

Very truly, yours,

CATO SELLS, *Commissioner.*

DECEMBER 22, 1913.

Rev. E. DE ROUGE,

Mission, Okanogan County, Wash.

DEAR FATHER DE ROUGE: Again referring to the subject matter of Congressman Carter's letter, which was a short time ago submitted to me, I herewith inclose copy of

a letter from the department, reviewing the subject entirely and discussing why it is not deemed necessary or advisable to investigate the subject matter of your letter. Specific cases coming within the class mentioned in the letter, that is, where a decision was based upon mistakes of fact, may be reopened upon application and proper showing.

Very truly, yours,

JOE T. ROBINSON.

TRAIN 11, SOUTHERN PACIFIC RAILWAY.

October 8, 1913.

THE SECRETARY OF THE INTERIOR.

Washington, D. C.

MR. SECRETARY: On the return of the Joint Commission to Investigate Indian Affairs from Spokane to Omak, some statements were made to the commission by J. F. Stickels, of Spokane, Wash., impliedly charging Mr. B. F. Emery, the farmer or subagent at Omak, for the Colville Reservation, with speculating or making a profit in the sales of goods to certain Indians. The following specific cases are mentioned:

1. The case of Joe Thomas, to whom it is alleged Mr. Emery sold a mowing machine August 13, 1911, for \$85, the actual cost being \$55. The machine is alleged to have been bought from Elgin, Nelson Co. The other witnesses, named Hopkins and Kahnlow, at Okanogan, may furnish evidence as to this transaction.

2. Andrew Marchand, it is claimed, bought a mowing machine from Mr. Emery for \$85, which actually cost \$55. The same witnesses as those mentioned in the Joe Thomas case, above, support this case.

4. About July 29, 1911, Sam George, an Indian, bought a buggy, team, and harness from Mr. Kahnlow, the livery stable keeper at Okanogan. It is alleged that Emery refused to confirm this sale, and informed Kahnlow that the sale could not be consummated because there were no funds available belonging to Sam George. Shortly afterwards the same team was sold to Sam George at an increased cost, probably \$50 in excess of the original price fixed by Kahnlow. Ira Freer, it is claimed, sold horses to many other Indians through the assistance of Mr. Emery, and made the sale to Sam George of the team for \$350, which Kahnlow had agreed to sell him for \$300, this latter price to include also buggy and harness. It may be that H. T. Storehouse and Ira Freer were in partnership. In any event, it is claimed that these witnesses know that Mr. Emery would not permit Indians to buy horses from any one save Storehouse and Freer.

5. July 28, 1911, it is claimed a wagon costing \$105 and a set of harness costing \$25 was bought of the Omak Trading Co. on the recommendation of Mr. Emery and sold to an Indian named Big Jim, the wagon for \$130 and the harness for \$52. If this charge is true, evidence can be obtained from the Omak Trading Co. and the Indian named.

6. It is claimed that John Jango knows that Paul Bahman, who was working for Mrs. Louis Hailey at the Mission, was driven from the reservation by Mr. Emery because the boy would not go to his home and do his chores. John Jango's post office is Omak, Wash.

The commission did not deem it advisable to consume the necessary time to complete the investigation of these charges. This investigation should be finished by an inspector, and the commission thinks it is fair to bear in mind that considerable prejudice exists in the minds of some of the people of Okanogan, including some of the witnesses herein mentioned, against Mr. Emery, for his efforts to suppress the liquor traffic among the Indians on that part of the reservation, and care should be taken to obtain the evidence first hand and to see that no injustice is done him. Mr. Stickels, who presents these charges, is a contractor and resides at Spokane.

Very truly,

JOE T. ROBINSON, *Chairman*.

OCTOBER 20, 1913.

MY DEAR SENATOR: I am in receipt of your letter of October 8, in which you brief certain statements made to you by J. F. Stickels, of Spokane, impliedly charging B. F. Emery, an employee of the Colville Agency at Omak, Wash., with speculating or making a profit on sales of Indian goods to certain Indians, and suggest that an inspector be directed to finish your investigation.

Under date of August 12, 1911, Mr. J. F. Stickels, then living at Okanogan, Wash., wrote to Senator W. L. Jones, of Washington, alleging practically the derelictions of Mr. Emery, which he has to your committee. A special agent of the Indian Office was directed to fully investigate the charges of Mr. Stickels, and on October 17, 1911, he made a very voluminous report on this, accompanying it with a large mass of

exhibits. During this investigation the special agent consulted with Mr. Stickels and obtained such information as he had and then independently reviewed the acts of Mr. Emery during the six years he had then been employed. There were also submitted to him numbers of complaints other than those of Mr. Stickels, all of which appear to have been examined with great care, after which the information gathered was submitted with his recommendations.

It is clearly indicated by this investigation that Mr. Emery has been very active and taken risks of personal injury in stopping the sales of intoxicants to Indians at Okanogan and elsewhere, thus incurring the enmity of many people. Before Mr. Emery went on duty it was said that the Indians got intoxicants openly and were without much restraint, resulting in debauches which were open and disgusting, and that a dozen Indian men and women had lost their lives on account of sprees.

The investigation clearly showed that while Mr. Emery, being now in the service and a long distance from the agency headquarters, committed many grave irregularities, there was no evidence convicting him of using his office for personal gain. The conclusions of the Indian Office were thus expressed at the close of a letter to Mr. Emery:

"The office does not want it to appear that it looks lightly upon such offenses as committed by you with regard to the handling of official funds, but because it has been convinced, first, of your good intentions; second, that you did not profit personally by any of your transactions; third, that you are now thoroughly willing to acquaint yourself with the regulations on the subject and to follow them implicitly; and fourth, because of your earnest and successful work in your present field, these offenses will be excused and you will be given a further trial."

As will be observed, none of the allegations made by Mr. Stickels to your committee is of acts committed since the investigation and the letter quoted, nor is any practically new matter charged by him, from which it may fairly be inferred that there are none or they would have been brought out. Unless your committee has evidence other than the statements of Mr. Stickels, it is reasonable to assume that Mr. Emery has profited by the reprimand and directions given to him, and that another investigation of the same charges would reveal only the same conditions. However, if from your personal investigations in that section you are satisfied that a different course should be pursued and an investigation made, I shall as soon as practicable assign an inspector to the case.

Cordially, yours,

A. A. JONES,
First Assistant Secretary.

HON. JOE T. ROBINSON,
*Chairman Joint Committee to Investigate Indian Affairs,
United States Senate.*

WEDNESDAY, SEPTEMBER 24, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Spokane, Wash.

The commission met at Hotel Victoria.

Present: Senator Robinson (chairman), Senator Townsend, Representative Stephens, Representative Carter, and Representative Burke.

STATEMENT OF J. W. WRIGHT, EDWALD, WASH.

J. W. Wright, first being duly sworn by the chairman, testified as follows:

Mr. WRIGHT. My name is J. W. Wright; I am a Methodist minister now located at Edwald, Wash. I was located one year at Okanogan, which is just across the Okanogan River from a part of the Colville Reservation. I am familiar with the conditions at that part of the Colville Reservation with reference to the sale of liquor to the Indians. The laws with reference to the sale of liquor are not enforced, and in

some localities are openly disregarded, and public sentiment does not seem to be in favor of enforcement of these laws. Liquor will be bought at the saloon and deposited in various places, sometimes in the livery barns in the mangers, and sometimes in shoe boxes. The white men do this and then they get it to the Indians. Sometimes the Indian gets it at the bar, for I have seen them do so.

THE CHAIRMAN. Tell whether you have seen many drunken Indians.

MR. WRIGHT. I have seen from 1 to 20 drunk at a time. On the 27th day of July there were no less than 20 drunken Indians in town [Okanogan]. There was one drunken Indian woman among them named Cecile Chilowist, who slept across the bridge where they were camped, and they ran her out of town, but the night before that she slept on the bare ground in a drunken condition, and no less than 18 men had intercourse with her. I saw another Indian woman with a lot of whisky concealed in her dress.

THE CHAIRMAN. Do you know whether the saloonkeepers cooperate with the bootleggers in this business?

MR. WRIGHT. Yes, sir; they do. They have a regular system of signals. I have concealed myself back of the saloons as early as 3 o'clock in the morning and watched the bartender come out with a pail and pour out some water and look up and down to see if anybody was watching. Then he would go back in the saloon and get the whisky and bring it out and the bootlegger would get it.

THE CHAIRMAN. You lived in Okanogan about one year did you not?

MR. WRIGHT. Yes, sir.

THE CHAIRMAN. Did you observe the condition of the sale of liquor there?

MR. WRIGHT. I did. Mr. Emery asked me if I would not do something, and acting as an American citizen, I thought I had the right to make arrests. I have personally taken the liquor away from the Indian and arrested the white man myself.

THE CHAIRMAN. Under the laws of the State of Washington anyone who sees a felony about to be committed has the right to make arrests, and acting under that authority you have made a number of arrests, have you not?

MR. WRIGHT. Yes, sir.

THE CHAIRMAN. What other action did you take?

MR. WRIGHT. I wrote a letter stating the conditions, and Father de Rouge at St. Marys Mission also wrote a personal letter to the governor, and made five copies. I then secured the names of 12 representative men, bankers, merchants, blacksmiths, and men like that. They signed the letter with me, and I sent a copy to Senator Poindexter, and a copy to Supt. Johnson, one copy to Secretary Lane, one copy to the State prosecuting attorney at Spokane. That was done in July of this year. The governor gave his copy to the United States marshal and he gave it to the press. Immediately I began to be libeled and threatened to be tarred and feathered. My wife was also in danger, and I told the deputy United States marshal not to leave her.

THE CHAIRMAN. What other efforts have been made within your knowledge to suppress this traffic in liquor among the Indians?

Mr. WRIGHT. Mr. Emery has, since I have been acquainted with him, been doing everything apparently within his power to suppress the traffic, but he has the whole bunch against him.

The CHAIRMAN. Where have you been the last few days?

Mr. WRIGHT. I have been at Concomully, as a witness for the State in the prosecutions of these liquor cases. Three cases were tried. One was acquitted, one was a hung jury, and the other plead guilty and paid his fine.

The CHAIRMAN. Are these bootleggers around Okanogan very well-known characters?

Mr. WRIGHT. Lots of them are. They have been living there 25 or 30 years, a very considerable of them have. In the town of Okanogan there are no less than four married women and two single women bootleggers.

The CHAIRMAN. You have had considerable experience there and in Alberta among the Indians, have you not?

Mr. WRIGHT. Yes, sir.

The CHAIRMAN. Do you know their habits for drinking?

Mr. WRIGHT. I know their weakness for fire water, and they drink to excess.

The CHAIRMAN. Do the Indian women on that part of the Colville Reservation whom you know drink?

Mr. WRIGHT. They do. There is an Indian woman there by the name of Susanne Chilowist who is generally known as a bootlegger, and she can get all of it she wants.

The CHAIRMAN. If you do not mind we would be glad to have you give the names of those who have representatives among the Indians.

Mr. WRIGHT. I am told by the Indians that they are F. C. McCambell, who is county coroner; Frank Sheller, boot and shoe merchant; H. T. Storehow, livery barn; John Owens, professional bootlegger, and he does not do anything else since I have been there; R. P. Erwin, his wife and daughter all sell it to the Indians; a man by the name of Frank Rogers, who is a bootlegger that they acquitted over at court last week; another is James Steele, a man by the name of Compton; both saloons and both bartenders, one by the name of Redding; they take it into the pool room and the Indians go in there and get it.

The CHAIRMAN. Do you know of Indians who have come there and been robbed?

Mr. WRIGHT. Yes, sir. I found one by the name of McCusker who has been "knocked out," that is, doped, who had been robbed. The chief marshal telephoned Mr. Emery that they had found a preacher with this Indian, and they did not know but that he had given him "knock-out" drops. As a matter of fact I had found him on the street in that condition and picked him up. The marshal's name is Joe Leader. After this letter was signed by these people my life was threatened; they threatened to hang and mob me. The merchants were boycotted and people staying at the boarding houses who signed it were turned out on that account, and a general crusade was carried on against all who signed that letter.

The CHAIRMAN. Do you know whether or not the Indian Bureau or anybody connected with it have made any effort to suppress the liquor traffic?

Mr. WRIGHT. I do not know. Nobody has called on me.

The CHAIRMAN. Are you prepared to give such other information as you may have concerning these matters?

Mr. WRIGHT. I have typewritten statements that I have on file.

The CHAIRMAN. Do you know whether or not the saloons are in the habit of sending messengers with liquor on the reservations?

Mr. WRIGHT. Yes; they go hunting on the reservations in automobiles, and take the liquor with them then and deliver it to the Indians.

The CHAIRMAN. What is the population of Okanogan?

Mr. WRIGHT. Last fall it was in the neighborhood of 800, but I think it is not more than 500 now. Omak sprung up by reason of the exodus from Okanogan, who were disgusted with conditions, a part of which I have stated to you. I stopped one Indian from stabbing a white man. This man was married, and his wife was in a family way, and he was trying to get intercourse with an Indian, who was syphilitic. I took the knife, and have it now. I am very strong physically; I don't know how strong I am. And there are shooting scrapes going on there a great deal of the time. I went out one night about 9 o'clock to stop a shooting scrape. Mrs. Wright and I were sitting at home, and heard the shooting, and I went out back of my house again one morning at 3 o'clock, and found 12 drunken Indians lying out back there.

The CHAIRMAN. From your experience and observation from whom do these people get their support?

Mr. WRIGHT. Mostly from the Indians. One man, a saloon keeper at Conconully, told me that H. A. Harris said that he could not make a living unless he could sell liquor to the Indians.

The CHAIRMAN. Have you thought of any means of remedying conditions which exist there with reference to the sale of liquor?

Mr. WRIGHT. It seems to me that if it was within the power of the department to take the licenses away from them that would be the next way. My impression is that that is an Indian country and that the department has the power to prevent the sale of liquor there.

The statements which I give here will be verified by the following citizens who live at Okanogan and Omak: H. D. Graves, Okanogan; B. E. Gregory, F. C. Wenner, E. N. Bragg, H. O. Hirsh, Rev. Fred Hart, Rev. Father de Rouge, B. F. Emery, Mr. Daniels, Walter May, a rancher; R. E. Cappell, Mr. D. E. Wagner, C. E. Carpenter, W. Carpenter, the editor of the Omak Chronicle also, and the main citizens at Omak. All of the above citizens reside at Okanogan with the exception of Mr. B. F. Emery and Rev. Father de Rouge, who live at Omak.

Representative STEPHENS. Have you had any reply from the Secretary of the Interior, Mr. Lane, that you remember?

Mr. WRIGHT. No; I had a reply from Mr. Sells that the matter would be looked into and action taken.

Representative STEPHENS. Did you have a reply from Mr. Johnson?

Mr. WRIGHT. He wrote me that he had received my letter.

Representative STEPHENS. Those prosecutions you spoke of were had in the State courts?

Mr. WRIGHT. Yes.

Representative STEPHENS. Does the district attorney endeavor to secure convictions?

Mr. WRIGHT. Yes; J. W. Faulkner is the county prosecuting attorney, who prosecuted these four cases for bootlegging, of which two were acquitted, one convicted, and one was a hung jury. The sentence of the one convicted was one year.

Representative CARTER. What is the object in selling whisky to the Indians?

Mr. WRIGHT. Profit.

Representative CARTER. They don't sell it to them for the purpose of beating them out of their property?

Mr. WRIGHT. Yes, sir; if they want to make a horse sale they give the Indian a drink before they start to make the trade. They call this process of beating him when he is drunk "rolling."

Representative CARTER. You say there has been no one representing the department to look into that matter?

Mr. WRIGHT. The only thing I know of is fellows in there to serve summons.

Representative CARTER. We have an annual appropriation of from \$75,000 to \$125,000 for the suppression of the liquor traffic among the Indians. Practically most of this is used to pay such officers to work up cases as are required. Have you seen any of those officers in there?

Mr. WRIGHT. They have paid me some money as special officer to get evidence.

Representative CARTER. You have been working at this business?

Mr. WRIGHT. Yes, sir.

Representative CARTER. But you know of no one else who has been doing it?

Mr. WRIGHT. Mr. Emery has had two fellows working with him, one by the name of Fulkerson and the other whose name I can not remember now.

Representative CARTER. Are all these Indians members of the Colville confederated bands?

Mr. WRIGHT. I think so.

Representative CARTER. None of the Indians can sell their lands on the Colville Reservation, can they?

Mr. WRIGHT. I do not know about that. I don't think they can.

Representative CARTER. The purpose in giving them whisky, then, is not to buy their land?

Mr. WRIGHT. No; it is horses and cattle, and in a majority of cases it is to get sexual intercourse with the squaws. In three days Cecile Chilowist, a squaw, lay in the back of a saloon drunk, and 65 men had intercourse with her. That is what they say, but I did not count them.

Representative CARTER. How long have you been among the Colville Indians?

Mr. WRIGHT. About a year. It seems that this has grown worse than ever before in the last four months.

Representative CARTER. How long have you been away from there?

Mr. WRIGHT. A few weeks.

THURSDAY, SEPTEMBER 25, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Hotel Victoria, Spokane, Wash.

Present: Senator Joe T. Robinson, chairman; Senator C. E. Townsend, Representatives J. H. Stephens, C. D. Carter, and C. H. Burke.

STATEMENT OF J. F. STICKLES, OF SPOKANE, WASH.

J. F. Stickles, first being duly sworn, testified as follows:

Mr. STICKLES. I am a contractor, and am familiar with the Colville Indian Reservation. I allege that Mr. B. F. Emery, the Indian farmer on the Colville Reservation, has been speculating in implements, etc., purchased by and for the Indians, and cite the following instances:

1. August 12, 1911, Mr. Emery sold a mowing machine to one Indian named Joe Thomas for \$85, that actually cost \$55. Hopkins and Kahlow heard the Indian give the price. The machine was bought from a man by the name of Nelson, a merchant, at Okanogan. I believe Sam Nelson was the man that sold the machine. Mr. Emery charged the Indian \$85 for the machine under the pretense that he had paid that much for it. About the same time Andrew Marchand bought a machine from the same Emery for \$85 which actually cost \$55. The machines were bought from Elgin-Nelson & Co. Hopkins and Kahlow, both at Okanogan, heard these Indians state the price they gave.

2. On July 29, 1911, a team of horses, buggy and harness was bought by Sam George, an Indian, for \$300. Sam George was made to return them by Mr. Emery, and afterwards the same team was sold to the Indian through Ira Freer at the direction of Emery for \$350, being \$50 more than he was to pay Kahlow in the beginning for the team, buggy, and harness. Mr. Kahlow knows all about this.

3. July 28, 1911, a wagon costing \$105 and a set of harness costing \$25 was bought of the Omak Trading Co., and sold to an Indian, Big Jim, on the recommendation of Mr. Emery for \$130 for the wagon and \$52 for the harness.

4. John Jango, whose post office is Omak, and who runs a binder down there, can tell you that a boy named Paul Bahman, who was working for a Mrs. Louis Hailey at the Mission, was run off the reservation by Emery because the boy would not go down and do Emery's chores.

5. Storehouse was in some kind of partnership with John Freer. Emery required the Colville Indians to buy horses from Storehouse. Horses that cost \$125 were sold to the Indians for twice that amount and more, and Freer would pay Storehouse \$25 for making the sale. When the Indians objected to accepting teams, etc., that were offered them at certain prices, Emery would inform them that unless they bought from them they could not get them at all. The following witnesses know of this: H. T. Storehouse, Ira Freer, and Ira ———, an Indian.

6. John Smithkin, at Omak, undertook to make a collection among the Indians to pay his expenses to Washington, D. C., to try to get

the per capita payment for the Colville Indians. Supt. Webster, of the Spokane Reservation, telegraphed Emery, as follows:

Arrest Smithkin for obtaining money under false pretenses from Indians for trip to Washington, D. C., and prevent his going.

This was on May 29, 1911. Emery afterwards telegraphed Webster, June 1, 1911:

Smithkin here under arrest. Instructions requested.

Shortly afterwards I secured the services of Attorney W. C. Brown, Spokane, Wash. Brown asked Emery the nature of the charge upon which Smithkin was imprisoned. Emery informed him that it was upon the direction of Capt. Webster. Subsequently Emery telephoned Webster that Brown had been retained to represent Smithkin, and asked for instructions. Webster directed him to turn Smithkin loose, and he was turned loose. Judge Brown lives here in Spokane.

TESTIMONY OF W. R. KAHLOW.

W. R. Kahlow, declining to be sworn and asking to be affirmed, and being affirmed, states: I reside at Okanogan, and have lived there for 23 years. I was engaged in the livery business in 1911. During that year I tried to sell Sam George, an Indian on the Colville Indian Reservation a team of horses, buggy, laprobe, and harness for, I think it was, \$300. The Indian had been working for me and wanted to buy the team. He went up to B. F. Emery, and Emery declined to consent to the Indian buying that team, stating that there was no money to pay for them with. A short time after that I sold the same team to Mr. Ira Freer for \$300, and three days later he sold the team to the same Indian, Sam George, for \$50 more than I had sold the team for to Freer. I can not understand, and I do not know the reason Mr. Emery refused to permit Sam George to buy the team from me, and yet consent to his buying it from Mr. Freer at a higher price.

[Telegram.]

FORT SPOKANE, May 29, 1911.

B. F. Emery, Omak, Wash.

Arrest Charles Switken for obtaining money under false pretenses, to finance trip to Washington, and prevent his going.

WEBSTER, Superintendent.

[Affidavit for Stickles.]

AUGUST 12, 1911.

Hopkins and Kahlow heard both Indians give price.

Joe Thomas: \$85 for mowing machine.

Andrew Marchand: One machine, at \$85.

Abram's nephew heard Andrew say it.

AUGUST 23, 1911.

Jango runs the binder for the Indians; stated Paul Balman, a boy that worked for Mrs. Louis Hailey at the Mission, work for her for over a year, run off by Emery on August 21. Emery told Andrew [wanted to buy outfit from] he could not get team wagon and harness; that he had made arrangements with Storehouse to furnish all horses for Indians; outfit referred to was \$350; horses weigh about 1,300.

[Night letter.]

JUNE 1, 1911.

To WEBSTER, Agent, Miles, Wash.

Swinpkin here under arrest. Instructions requested.

EMERY.

SATURDAY, OCTOBER 11, 1913.JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Hotel Alexandria, Los Angeles, Cal.

The commission met at 9 o'clock a. m., October 11, 1913.

Present: The chairman, Senator Joe T. Robinson, Senator Charles E. Townsend, and Congressmen John H. Stephens, C. D. Carter, and C. H. Burke.

STATEMENT OF W. H. WEINLAND, BANNING, CAL.

W. H. Weinland, first being duly sworn by the chairman, testified as follows:

Examination by Congressman JOHN H. STEPHENS:

Q. What is your name?—A. W. H. Weinland.

Q. Where do you live?—A. Banning, Cal., on the Morongo Reservation, sometimes called the Malki Reservation.

Q. You are familiar with the conditions on the reservation?—A. Yes, sir.

Q. What is your occupation?—A. Missionary to the Indians.

Q. What is the condition at the present time among the Indians there as to tuberculosis?—A. That is hard to state—just how many of them have tuberculosis.

Q. Would you say as many as 5 per cent have it?—A. Yes, sir.

Q. What about trachoma?—A. There are quite a number of cases, and quite a number have been barred from the schools, and some of the older people are suffering from it.

Q. What per cent would you say are suffering from trachoma?—

A. About 10 per cent, I should say.

Q. What hospital facilities have you on the reservation?—A. None whatever.

Q. Who is the present agent?—A. C. T. Coggeshall.

Q. What position do you hold at the agency?—A. None.

Q. How long have you been there?—A. Since 1889.

Q. Will you please examine this statement and see if it is correct [presenting witness with a statement introduced herewith and marked "Exhibit A"]?—A. I have read this and I think it is absolutely correct.

Q. Are you willing to make it a part of your testimony?—A. Yes, sir.

Q. Do you think the statement given there is correct?—A. Yes, sir.

Q. Are you familiar with H. R. 22337, introduced in the Sixty-second Congress?—A. Yes, sir.

Q. From your knowledge of the conditions of the Indians, would it be a good thing for that bill to be enacted into law?—A. Yes, sir; it would. I think the amendment to the bill is very important.

Q. Will you please read the amendment?—A. (Witness reading:)

That the Secretary of the Interior may negotiate for exchanges of land within the Morongo Indian Reservation for lands in private ownership, which, in his opinion, are required for the Morongo Band of Indians.

Q. How many of those Indians ever owned land at all under the act of 1891?—A. More than half the tribe would not be covered by the act. They would not get any land at all under that act; that is, more than half of them would not. They voted by a majority of four in favor of being allotted under the act of 1891 in preference to the act of 1910.

Q. Can you tell us why they voted that way?—A. For the simple reason that it was largely a factional difference. It was not on the merits of the question at all. All the old people voted for the old law, and when asked why they did so a great many of them said, "Well, because I am old." It was understood among them that they would get a great deal more land under the old law than under the act of 1910. So far as the provisions of the bill are concerned, there are a very few people who understand it at all. They are like children; they do not understand.

Q. How much land have they under cultivation under their allotments?—A. Do you mean all lands?

Q. Yes.—A. Well, about 400 acres in irrigable lands.

Q. How much irrigable lands that could be supplied with water?—A. In the neighborhood of 1,000 acres.

Q. About 1,400 acres in all?—A. Yes, sir.

Q. How many Indians are there in the tribe?—A. About 250.

Q. Would a pro rata share be enough for them to live on individually?—A. It would.

The CHAIRMAN. What is the total area of land on that reservation?

A. Between twenty-six and twenty-seven thousand acres.

The CHAIRMAN. Have any allotments been approved?

A. None.

The CHAIRMAN. When was the allotment work begun?

A. Three years ago, and D. D. Graham was the allotting agent. He had the reservation surveyed and began to assign the various tracts of land on the same basis as is provided for in the law of June 25, 1910. But his work was prior to the date of that law; consequently there was no law to enforce the allotment in that manner, and it was stopped and nothing further has been done on it.

The CHAIRMAN. After the law of June 25, 1910 was enacted, why was not the land allotted and the matter disposed of under that law?

A. For the simple reason that the law of June 25, 1910, requires that the consent of the Indians be secured before that law is operative, and the majority of the tribe in understanding the provisions of the law have withheld their consent. The matter has been put before them three or four separate times.

The CHAIRMAN. What are the general provisions of the law of June 25, 1910?

A. It is identical with H. R. 22337, introduced in the Sixty-second Congress, second session, and provides that the department can proceed with the allotment without the consent of the Indians.

The CHAIRMAN. The practical effect of this bill would be to reduce the allotted area to each Indian, but to increase the number of Indians allotted?

A. Yes, sir.

The CHAIRMAN. If that were done, how many of the Indians would be disturbed in their possession and occupancy of lands that they were otherwise entitled to have allotted to them under the act of 1891?

A. I could not give you that truthfully. There are a very few though, because only a few have cultivated more land than they would be entitled to under the new law.

The CHAIRMAN. How many of them are actually occupying lands on the reservation, do you know, by occupying individual homes?

A. I could not give you the exact number of homes. I should say there are about 50.

The CHAIRMAN. What per cent of that 50 are actually cultivating lands?

A. Practically every last one of them are cultivating some lands.

The CHAIRMAN. What efforts have been made to secure the consent of the Indians under the act of 1910?

A. The first was instructions from the Commissioner of Indian Affairs, Mr. Valentine, to the then superintendent, Wm. W. T. Sullivan, instructing him to bring the provisions of the law of 1910 before the Indians and urge it upon them as strongly as possible.

The CHAIRMAN. Did he do that?

A. Yes, sir; he brought it to their attention and presented the matter to them, and they passed upon it and didn't consent to it.

The CHAIRMAN. Was another effort made to get their consent?

A. Yes, sir.

The CHAIRMAN. When was that and how?

A. I can not recall the exact occasions. Mr. Holcomb, a special inspector was sent there about a year ago for that purpose. This statement is contained in the newspaper article [witness reading]:

In February, 1912, Chief Supervisor Holcomb was sent here, and for the fourth time the allotment question was submitted to us.

The date of the paper is 1912, May 16, 1912.

The CHAIRMAN. Then the real necessity for this legislation grows out of the fact and depends solely upon the fact that the Indians have not consented to the allotment as proposed under the law of June 25, 1910?

A. That is right.

The CHAIRMAN. If the Government had the consent of the Indians the act of June 25, 1910, would dispose of the matter?

A. Yes, sir.

The CHAIRMAN. And it has been submitted to them four times at least?

A. I believe so.

The CHAIRMAN. Whom do you appear for in this hearing? For the Indians?

A. Solely for the Indians.

The CHAIRMAN. By what authority do you appear for them? I do not mean to reflect on your integrity, or your intelligence.

A. They have not authorized me to appear for them.

The CHAIRMAN. If I understand you correctly, it is necessary, for the interest of the Indians, to enact this legislation?

A. Yes, sir.

The CHAIRMAN. And you assume to speak for them in that particular?

A. Yes, sir.

Mr. STEPHENS. This [indicating] is a copy of the act of 1891?

A. Yes, sir.

Mr. STEPHENS. You have read the statement?

A. Yes, sir; as to the act of 1891, under which the Indians prefer to have their allotments made. The reason for not making it is set up in the attached paper, argument, and statement, which I asked to be made a part of the record. The reason for substituting the law of 1910 for the law of 1891 is set up in the statement hereto attached and marked "Exhibit B."

EXHIBIT A TO THE TESTIMONY OF W. H. WEINLAND, BANNING, CAL.

[Clipping from the Banning Record, published May 16, 1912, at Banning, Cal.]

ALLOTMENT OF INDIAN LANDS.

BANNING, CAL., May 3, 1912.

The allotment question at the Morongo (Malki) Reservation is exciting a great deal of interest, and in view of the many erroneous reports floating about we wish to lay the following before the public:

There are two laws in the statute books governing the allotment of lands. The first is contained in the act of January 12, 1891, and provides for allotment of lands to heads of families and to single persons over 21 years of age. Under this law married women and minor children receive no allotments.

There are 63 heads of families, 50 single persons over 21 years of age, 36 married women, and 111 minor children on this reservation. Hence under this old law over half of the total population would receive no allotment in their own right. On this point the department says:

"It has been the experience of this department in the past that where allotments are made to heads of families injustice is done to minor orphan children, and in many cases to the wives and minor children of the heads of families through separation by divorce or otherwise by the husband and wife."

The other law governing allotments is contained in section 4 of the general allotment act of June 25, 1910, and provides for a pro rata division of the reservation lands amongst all the members of the tribe, irrespective of age or sex. Of this law the department says:

"Under the provision of this act the married women and minor children receive individual allotments, and the hardships resulting from giving the head of the family an allotment for the entire family are avoided."

But the act of June 25, 1910, which we call the new law, requires that the consent of the Indians be secured before it can become operative. To this end the department instructed Supt. W. T. Sullivan to submit to the Indians in "as strong a manner as possible the question and advisability of authorizing the Indian Office to allot the lands under act of June 25, 1910, since, should they decline to do this, it may prove advisable to submit the matter to Congress."

In February, 1913, Chief Supervisor Holcomb was sent here and for the fourth time the allotment question was submitted to us. Of this submission the department of the Interior says:

"While I in no sense bound myself to abide by the decision of the Indians in the matter, always reserving the right to recommend for them what I believed to be for their best interests, I felt that before making such a recommendation I should have a fair and absolute unbiased expression of opinion as between two alternatives placed before them. I now feel that I have made every practicable effort to secure the real opinion of the Indians, and I regret that my decision does not coincide with theirs as to what is for their best interests, and although by a majority of four they still desire that they be allotted under the act of 1891, I recommend that they be allotted under the act of 1910."

Commissioner Valentine has accordingly directed that a bill be drawn submitting this matter to Congress. This bill, known as H. R. 22337, Sixty-second Congress, second session, bears indorsement of the Indian Office, as well as of the Secretary of the Interior.

More than half of our people would be deprived of their individual rights if the land were allotted under the old law. No one would be injured but all would receive their full rights by allotments under the new law. Believing in equal rights for all, we hope this bill may become a law, and we ask all our friends to support this bill both by voice and vote.

THE MORONGO PROGRESSIVE INDIAN CLUB.
CHAS. BOSLEY.
MRS. ANTONIO ARMIJO.

EXHIBIT B TO THE TESTIMONY OF W. H. WEINLAND, BANNING, CAL.

[Act of Jan. 12, 1891 (26 Stat., 712; Kappler, Laws, p. 383).]

RELIEF OF MISSION INDIANS, CALIFORNIA.

SEC. 4. That whenever any of the Indians residing upon any reservation patented under the provisions of this act shall, in the opinion of the Secretary of the Interior, be so advanced in civilization as to be capable of owning and managing land in severalty, the Secretary of the Interior may cause allotments to be made to such Indians, out of the land of such reservation, in quantity as follows: To each head of a family not more than six hundred and forty acres nor less than one hundred and sixty acres of pasture or grazing land, and in addition thereto *not exceeding twenty acres*, as he shall deem for the best interest of the allottee, of arable land in *some suitable locality*; to each single person over twenty-one years of age not less than eighty nor more than six hundred and forty acres of pasture or grazing land and *not exceeding ten acres* of such arable land.

HAVE THE MORONGO INDIANS VESTED RIGHTS?

JULY 6, 1912.

Rights are, no doubt, vested in the *tribal* capacity, *not* individually. Patents issued to tribe under authority of act approved January 12, 1891:

	Acres.
Dec. 14, 1908.....	11, 058. 88
Jan. 23, 1911.....	15, 164. 70
Total.....	26, 223. 58

These patents hold the land in trust for the tribe for 25 years, during which time allotments in severalty may be made under provision of act of January 12, 1891.

No allotments in severalty have been made of any of the foregoing lands.

The trust patent to the tribe *does not vest* any right to any of the land in any individual member of the tribe.

The Morongo Reservation was a gratuity in the sense that there was no agreement or contract with the Indians creating it. It was set apart as a simple act of justice due the Indians.

As tending to show that no vested right is secured by the individual members of the tribe to any of the lands prior to allotment in severalty, the following cases are cited:

Cherokee Nation *v.* Hitchcock (187 U. S., p. 294). At page 307 the court says: "Whatever title the Indians have is in the *tribe* and not in the individuals, although held by the tribe for the common use and equal benefit of all the members." Reference is made in the above decision to Cherokee Nation *v.* Journeycake (155 U. S., 196-207) and says (p. 307):

"The manner in which this land is held is described in Cherokee Nation *v.* Journeycake, where this court, referring to the treaties and the patent mentioned in the bill of complaint herein, said: 'Under these treaties and in December, 1838, a patent was issued to the Cherokees for these lands. By that patent whatever of title was conveyed was conveyed to the Cherokees as a nation, and no title was vested in severalty in the Cherokees, nor any of them.' "

In the case of *Levi B. Gritts et al. v. W. L. Fisher, Secretary, et al.*, the United States Supreme Court decided on May 13, 1912, that Congress could amend an act of Congress, and admit to participation in tribal lands and other property, after-born children, even though by the former act it was definitely stated that no children born after that date should be enrolled. On this question the court says:

"But it is said that the act of 1902 contemplated that they alone should receive allotments and be the participants in the distribution of the remaining lands, and also of the funds, of the tribe. No doubt such was the purport of the act. But that, in our opinion, did not confer upon them any vested right such as would disable Congress from thereafter making provision for admitting newly-born members of the tribe to the allotment and distribution. The difficulty with the appellant's contention is that it treats the act of 1902 as a contract, when it is only an act of Congress and can have no greater effect." (*Cherokee Intermarriage Cases*, 203, U. S., 76, 93.) "It was but an exertion of the administrative control of the Government over the tribal property of tribal Indians, and was subject to change by Congress at any time before it was carried into effect and while the tribal relations continued."

More than 21 years have passed since the law of January 12, 1891, was passed. Is it not within the probabilities that more than one-half of those members over 21 years of age who are now opposing a pro rata allotment to all the members of the tribe were at that time (1891) under 21 years of age, and would have been thus *barred* from receiving any land by allotment under the law.

If the law is to be so strictly construed, *why not bar all members except those who were entitled on January 12, 1891?*

Should any member under 21 years of age in 1891 be allowed at this time to secure any of its benefits without submitting to its burdens?

No member is *guaranteed* 20 acres of arable land.

The clause "Not exceeding 20 acres" indicates the thought in the mind of Congress that the acreage might be reduced in order to make a fair division to all the members. In this sense, as in others, no right has attached to 20 acres or 10 acres by any one member.

The policy of the Indian Department, since approval of the act of February 28, 1891 (26 Stat., 794) (*Kappler's Laws*, p. 56) has been to make a pro rata division of lands within all reservations.

The motive which prompted this change of the law (Feb. 28, 1891) was to secure an equal division of lands to married women and minor children.

EXHIBIT C TO THE TESTIMONY OF W. H. WEINLAND, BANNING, CAL.

[H. R. 22337. Sixty-second Congress, second session. In the House of Representatives. March 26, 1912. Mr. Stephens of Texas introduced the following bill which was referred to the Committee on Indian Affairs and ordered to be printed.]

A BILL Authorizing the Secretary of the Interior to cause allotments to be made to Indians belonging and having tribal rights on the Morongo Indian Reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of the Interior be, and he hereby is, authorized and directed to cause allotments to be made to the Indians belonging and having tribal rights on the Morongo Indian Reservation, in the State of California, in areas as provided in section seventeen of the act of June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page eight hundred and fifty-nine), rather than as provided by section four of the act of January twelfth, eighteen hundred and ninety-one (Twenty-sixth Statutes at Large, page seven hundred and thirteen).

MONDAY, OCTOBER 13, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

Glenwood Hotel, Riverside, Cal.

The commission met at 3 o'clock p. m.

Present: Senator Joe T. Robinson (chairman), Senator Charles E. Townsend, and Representatives John H. Stephens, C. D. Carter, and C. H. Burke.

STATEMENT OF MARION MEYERS.

Marion Meyers, first being duly sworn by the chairman, testified as follows:

Examination by Representative CARTER:

Q. What tribe of Indians do you belong to? A. The Santa Rosa Reservation band of Mission Indians.

Q. Mr. Meyers, you have a statement you want to make to the commission about the Indians, have you not?—A. Yes, sir. We have been trying to get our allotments over there for about 20 years, and what we want also is water. I believe if we could get our allotments and get water for the land we would soon be independent.

Q. How many Indians are there over there?—A. About 70.

Q. How much land is there?—A. Not much good land; it is in the mountains. There is one piece about 2 miles long and $1\frac{1}{2}$ miles wide. That is the land we want water for.

Q. Have you ever figured how much irrigated land each Indian would have?—A. I think Mr. Hall [the superintendent] figures about 70 acres each.

Q. Has it been surveyed?—A. I think so.

Q. Has it been surveyed for irrigation?—A. I think it has.

Q. How about the title to your reservation?—A. Mr. Hall says it is in litigation with the Southern Pacific Railroad Co., and that has to be settled up.

Q. Does the Southern Pacific Railroad Co. claim that it can be irrigated?—A. I think they do.

Q. How much land is there now in cultivation over there? A. I don't know. It is about 3 miles square, I guess.

Q. Has the tribe of Indians to which you belong always lived on that land?—A. Always, they have been living there for hundreds of years, and there are graveyards there to show it.

Q. Has any one else ever attempted to show any title to the land?—A. Just this one man.

Q. The Southern Pacific Railroad Co.? A. Yes, sir; on each side of the railroad.

The CHAIRMAN. What is the name of that reservation?

A. Ceya.

The CHAIRMAN. What are the known sources from which water can be obtained?

A. I don't suppose they have any, except live streams.

The CHAIRMAN. What amount of water can be developed from them?

A. I don't know how much.

The CHAIRMAN. You don't know whether surveys have been sufficiently made to determine whether or not it could be made within that reservation for a reasonable cost, as to irrigating?

A. I don't know.

**STATEMENT OF M. A. COLLINS, SUPERINTENDENT OF INDUSTRY
AT THE SHERMAN INDIAN SCHOOL, RIVERSIDE, CAL.**

M. A. Collins, being first duly sworn by the Chairman, testified as follows:

Examination by Representative CARTER:

Q. Were you formerly at the Carlisle Indian School?—A. I was there three and a half years.

Q. What was the enrollment there last year?—A. As far as I can remember it was 780 in the spring, and they had some on the outside. In all they had nearly 900.

Q. Do you know what the estimated cost by the faculty is per pupil?—A. If I remember rightly, \$167 a year per student.

Q. Do you know how many students they had there year before last?—A. They can show considerable more students on the rolls than they really have and can produce.

Q. How do they do that?—A. I can substantiate one case, that of a boy named Marcus. Frank Marcus. He was in the mechanical drawing department under me, and he got a position with the New York Central Railway Co. They still have his name on the school rolls, when they have no supervision at all over him. When I asked them about him being on the rolls, they said that if anything happened to him they could bring him and put him in the hospital there, and his name was kept on the roll for that purpose.

Q. How many pupils have they like that?—A. I could not say.

Q. How many pupils did you have under your personal jurisdiction?—A. One hundred and twenty-five.

Q. You had this one boy out of the 125 who was being carried as a pupil of the school and who did not attend school and was in no way of assistance to the school?—A. Yes, sir.

Q. Do you know of any others?—A. No, sir.

The CHAIRMAN. How long have you been connected with the Sherman School?

A. Three weeks.

The CHAIRMAN. How is your course conducted?

A. We have instruction given every morning in blacksmithing, tailoring, painting, printing, carpentering, shoemaking, baking, laundering, engineering, horticulture, agriculture, etc.

The CHAIRMAN. Do you seek to induce all pupils in the school to take some branch of industrial training or do you leave it to their choice?

A. I think it is left optional with them until we find out they can not decide for themselves. If a boy comes here and wants to learn some particular trade, we teach him that.

The CHAIRMAN. But you require him to take some course in manual training?

A. Yes, sir.

The CHAIRMAN. How much time is devoted to that training?

A. We have a half hour lecture each morning and then they go to work. On Saturday they have double duty, and review the work they have gone over for the week. They go to work at 1 o'clock each day at their trades. They are graded twice a year. For in-

stance, the carpenter keeps track of the grade of the boys in his department.

The CHAIRMAN. Do the boys show a great interest in their work?

A. Yes, sir; they do.

The CHAIRMAN. How are they in practical results? Do they seem to become proficient?

A. Yes, sir.

The CHAIRMAN. How compared with those at Carlisle?

A. I think it compares very favorably with the Carlisle School.

The CHAIRMAN. Is it run on the same system?

A. Well, we don't have the equipment and things like that here that they have at Carlisle, but as far as it goes here, we compare very favorably with the Carlisle School.

The CHAIRMAN. Since you have been at the Sherman School, have there been any serious cases of discipline?

A. None that I know of.

The CHAIRMAN. What are your duties? Do you do instructing?

A. Yes, sir; in mechanical drawing each morning. I am supposed to see that the work is done. I am responsible to Mr. Conser for my department. I supervise the work in my department.

Representative BURKE. How long were you at the Carlisle School?

A. Three and a half years.

Representative BURKE. Do I understand you to say that there are students carried upon the rolls that are not in school?

A. Yes, sir. I just stated the case of one, a boy named Marcus whom they carried on their rolls as a student, and he has not been there in 3 years.

Representative BURKE. What would be the effect of doing this?

A. I would judge \$167 each year.

Representative BURKE. Is that the way the appropriation for the Carlisle School is made?

A. Yes, sir. I think if you would make a thorough investigation of the records you would find more than one student that they can not produce.

Representative BURKE. Do I understand that the appropriation is made on the basis of \$167 per capita?

A. I understand so.

Representative BURKE. Is it not a fact that the appropriation is considerably below \$167 per pupil?

A. Well, that is what I understand. The employees are not allowed to know anything about the records, because they are afraid of their jobs.

Representative BURKE. Did you have any trouble with the superintendent?

A. I never had any trouble, but Mr. Freeman made some bold statements about me.

Representative BURKE. Then you have some prejudice in the matter?

A. No, sir; I have not. Capt. Peter — — and Manager Duggan will back me up in the statement that I used no prejudice at all. I am fighting merely for the good of the Indian. I can not stand back and see anybody do anything that is wrong and let it go by.

Representative BURKE. The substance of the criticism you make, as I understand it, is that they are carrying students on the rolls that are not there?

A. Yes, sir.

Representative BURKE. Is that your complaint?

A. I have no complaint to make.

Representative BURKE. You have just stated that the employees are afraid to know or say anything because they are afraid of their jobs. What else have you to state?

A. If this is to cause trouble I mean this: If this is to cause hard feelings or anything like that I have no purpose in view in anything I have said but to find out what is wrong.

Representative BURKE. This commission is seeking information, and if you have any knowledge of the Carlisle School or the Indian Service that you think the commission ought to know, it is your duty to tell it.

A. Well, if anybody can show me or give me the information why a corporation can do business on a Government reservation using Government property and Government students and Government time for making profit, I would like for it to be done.

Representative BURKE. Nobody has to show you that. We want you to tell us what you refer to.

A. I mean the athletic association at Carlisle is an incorporation. The Carlisle Indian School is simply an athletic institution, and Mr. Peers will back me up in it. They devote most of the time to athletics among the boys. They make them work out in all kinds of weather, and take up most of their time in that, and it knocks the system in the school all to pieces.

Representative BURKE. Then it is your opinion that the Carlisle Indian School is not doing effective work?

A. Yes, sir. I never expected to get into anything like this, but my statements can be backed up by people who will tell you the same things that I am telling you.

Representative BURKE. Have you any names of persons you would like to submit for that purpose?

A. I suggest Mr. Meyers, Mr. Freeman, the clerk; Mr. August Kennsler, the cook.

Representative BURKE. You said a moment ago that you thought Sherman School compared very favorably with the Carlisle School. Is it your opinion also that the Sherman School is not doing effective work?

A. I meant in efficient work and discipline. I want to say before Mr. Conser [the superintendent of the Sherman School] that the Sherman School is producing better mechanics than Carlisle ever did. I don't say that because I am working here, either. We have a student, John Poseski, and I will put him up against any pupil at Carlisle.

Representative BURKE. How do you find the proportion of full-blood students and half-blood Indian students in the two schools?

A. The majority of the students at Carlisle are not full bloods. I find more full bloods here than at Carlisle.

Representative BURKE. Do you know anything about the management of the commissary department at the Carlisle Indian School?

A. I could not make any statements about that. I have worked there, but as far as keeping the books is concerned, I could not say about that. Mr. Kennsler could probably tell you about that.

Representative BURKE. Who is the matron there?

A. Miss Gaither.

Representative CARTER. You spoke something about Mr. Warner having a close corporation which was doing business for profit?

A. Yes, sir. Here is what I mean: He uses the Indian students for profit. He takes a bunch of football players up to Harvard and plays a game and makes an enormous profit. At one time he cleared \$11,000 clear profit and the Indian students did not get a cent of that. All they got was their expenses on the trip. Mr. Warner's salary is \$4,500 and Mr. Freeman's salary is \$2,650. And their salaries come out of that profit.

Representative CARTER. What becomes of the balance after those salaries are paid?

A. Well, I know once that Mr. Freeman put an addition on his house. He built it there without asking proper authority, and he used a great deal more money than the Government expected he was using.

Representative CARTER. Then the money was used on Government property?

A. Yes, sir; but in that way. He built the finest cottage there.

Representative CARTER. But Mr. Warner's cottage is Government property?

A. Yes, sir; but it is covered up in that way. He is not interested in the Government's fine buildings.

Representative STEPHENS. Do you know of any girls having been taken away from that school in an afflicted condition?

A. I could not name any girls, but I know that a great deal of that has been going on there. But when it comes to proving specific cases, I could not do that. I know it only as a matter of common talk. Dr. Fralic, who is now in the Indian Service and Dr. Shoemaker can tell you more about that than I can. Dr. Shoemaker is now a supervisor in the medical service of the Indian Bureau, I think.

Representative STEPHENS. How many girls have been sent away in that condition?

A. I could not state that. I could not make any definite statement, because I had nothing to do with that end of it. I was simply an employee. Employees know these things, but they can not come out and prove them.

Representative STEPHENS. What tribes do those girls belong to?

A. I could not say. I want to make another statement. I think you will find that the district attorney of Cumberland County is connected with this athletic association at Carlisle. And there is a general complaint among the student body about the handling of the funds. They have been paying some of the athletes on the "q. t." Gus Welch, the captain of the football team this year, told me that if they did not stop this business of paying some of the boys and not paying others he would bring the matter before Congress. They have boys like Thorpe and others that are favorites, and pay them on the side. At a game at Chicago they took in \$17,500 clear profit.

Representative CARTER. Is that fund entirely separate?

A. Yes, sir. It is kept by Will Miller, the banker for the students. He is secretary for the athletic association.

STATEMENT OF F. M. CONSER, SUPERINTENDENT SHERMAN SCHOOL, RIVERSIDE, CAL.

F. M. CONSER, being first duly sworn by the chairman, testified as follows:

Examination by the CHAIRMAN:

Q. How long have you been the superintendent of the Sherman School?—A. Four years.

Q. What was the number of the pupils enrolled the first year you went there?—A. About 500.

Q. Has the number since increased?—A. We have about 575 at the present time.

Q. Where do they come from principally?—A. Colorado and Arizona. We have also a number from Nevada, New Mexico, Idaho, Utah, and a few from Oklahoma.

Q. What is the character and extent of the training here at the Sherman School?—A. We carry the students through eight grades. They can enter the high school at Riverside after completing the course here.

Q. How many completed the course last year?—A. Six or eight.

Q. Are they pretty well advanced when they come to your school?—A. Very few of them come sufficiently advanced to complete our course in less than three years. Occasionally there is one sufficiently advanced to complete the course in one year.

Q. How long has the industrial department been established?—A. Of course, they had their industrial employees and industrial teachers when I came there, but I have made the industrial work more extensive, and have given a great deal of attention to the organization of that department.

Q. Have you observed the conduct of the pupils after they have completed the course?—A. Yes; we write to them to keep in touch with them as much as it is possible to do. And we receive a great many answers, because there is a very strong school spirit.

Q. You have an industrial school, and in addition to that you have a farm?—A. Yes, sir.

Q. What do you grow on that?—A. The average crops and vegetables, alfalfa for hay, barley, and crops like that.

Q. What do you do with the profits of the farm?—A. They are raised for the use of the school.

Q. What is the state of discipline in the school?—A. We have, I think, good discipline in the school.

Q. Do you have cases of disorder among the boys?—A. Occasionally we have to discipline a boy, but nothing very serious.

Q. Do you have any trouble about the liquor question among the boys?—A. Once in a while we have. In one case I was able to prosecute the bootlegger. He plead guilty and was fined. The bootlegger is the hardest man to catch. Once in a while we discover that a boy has gotten liquor from a bootlegger, but not often. Riverside is a dry town, and there has not been a saloon there for many years.

Q. What about health in the school?—A. Health conditions are quite good. We look after that very carefully.

Q. During our visit there to-day we were shown the hospital and considerable discussion was had about trachoma. What percentage

of the pupils there in the school have trachoma?—A. I would make an estimate of 15 per cent.

Q. What is the method of handling those cases?—A. Every child, when it comes to the school, is given a physical examination, and this includes an examination of the eyes. If it is found that they have trachoma they are put on the trachoma list and placed in the trachoma ward of the hospital for isolation purposes; then they are operated on if necessary by the school physician.

Q. What has been the general effect of the treatment there?—A. Very good. We have cleaned out trachoma to a very large extent. We naturally have at the beginning of each year quite a number of cases, but by the end we will have it pretty well cleaned out.

Q. Do you reject any trachoma pupils?—A. No, sir.

Q. Do you have any tuberculosis there?—A. We have a few cases.

Q. What do you do with them?—A. Generally send them home.

Q. You do that, of course, to prevent infection?—A. Yes, sir; that is under the direction of the department.

Q. What per cent of the pupils in the school have tuberculosis, would you say?—A. I could not say that we have more than 2 or 3 per cent.

Q. Have you had experience with white pupils?—A. Yes; some years ago.

Q. How do they compare with the Indians as to tuberculosis?—A. I don't believe they have any more tuberculosis among the Indians than you would find among the white students. The children are all supposed to be examined before they are sent to school, and, of course, many children are rejected on account of their physical condition, and we do not know about the number of those. They are rejected before they come.

Q. How do you purchase supplies for mess?—A. The mess manager purchases them. I mean for the table, for the dining room. And the supplies are purchased under contracts let by the Indian Bureau.

Q. Of course, all supplies are inspected?—A. Oh, yes; but we have nothing to do with that.

Q. Have you had any trouble with bad food supplies?—A. We have had no trouble with the character of the food. The food has been better within the last few years.

Q. What do the meals consist of?—A. Meat, potatoes, vegetables, soups and gravy, and oatmeal. Gravy is one of the very substantial foods.

Q. Do you have any complaints from the pupils as to the food?—A. No; we have a good cook.

Representative BURKE. How long have you been in the Indian service?

A. Twenty-two years.

Representative BURKE. You have had considerable experience with the reservation generally, have you not?

A. Yes, sir.

Representative BURKE. I want your opinion, if you have one, as to what you think would be the practical way to meet the conditions that exist pretty generally among the Indians with relations to trachoma and tuberculosis. How do you think we ought to handle that?

A. I think the tuberculosis proposition is one that would have to be handled largely in the locality, because the Indians are quite averse to going long distances from their home, and I think a great deal could be done by establishing sanitariums in the vicinity of their own reservations.

Representative BURKE. Would it pay, in your opinion, as a first step to establish local hospitals for the treatment of tuberculosis rather than at once to establish a central hospital?

A. Yes, sir; that would be my judgment.

Q. From your experience with trachoma, do you think it is practical to admit pupils with trachoma to the schools and isolate them and put them under treatment, rather than to reject them and leave them to get such treatment as they may get upon the reservation?—

A. I have not rejected any pupils with trachoma, because I have felt by permitting them to come to the school we could handle them there all right.

Representative STEPHENS. Do you segregate them?

A. Yes, sir.

Q. You have separate rooms for them?—A. We have separate wards.

Q. Do you have separate buildings for tuberculosis patients?—A. When the doctor finds a positive case of tuberculosis we send them home. We do not keep them in school.

STATEMENT OF I. F. McCORMICK, SUPERINTENDENT OF THE PECHANGA AND OTHER RESERVATIONS.

I. F. McCORMICK, first being duly sworn by the chairman, testified as follows:

Examination by the CHAIRMAN:

Q. What is your post office?—A. Temecula, Cal.

Q. Are you superintendent of Indian reservations in this country?—

A. Yes, sir.

Q. How many have you and what are they?—A. Eight: Pechanga, Pala, Pauma, Rincon, Logolla, Captaingrande, Cequan, San Pasqual.

Q. What tribes of Indians are represented?—A. All the Mission Indians.

Q. What is the total number of Indians?—A. About 1,000.

Q. What is their method of maintenance?—A. The Pala Reservation is very well provided for. They have a good irrigation system just completed.

Q. What is the area of land in cultivation there?—A. I should judge this last year, 700 or 800 acres. Rincon is just getting their irrigation system in. We have been dry farming on it. And some of these reservations that I have charge of have no means of maintenance, but only a few families live on them. Only a few families live on the San Pasqual Reservation and the Cequan Reservation. The worst is the Pechanga Reservation. They are poverty stricken.

Q. How many acres are there in the reservation?—A. There are 3,000 acres there. They do dry farming and raise some hay, but they have no water, not even for domestic use. They have to carry water 2 and 3 miles for household use. Two hundred and thirty acres of that is good land.

Q. Is there a known water supply?—A. Yes, sir; by pumping it out of the ground. One well has produced a very good flow, and the superintendent of irrigation stated that three such wells would produce sufficient water.

Q. About how much would that cost?—A. By connecting them all with one pump it would cost about \$50 an acre. That would be something over \$10,000. And if they are not given water there is absolutely nothing to work for with them.

Q. How many are there?—A. Two hundred and fifteen on the rolls, but a few are not on the reservation. Half of them are not on the reservation at any one time. The young people must get out and find work to do. There is nothing there for them.

Q. What educational facilities have you?—A. Day schools on the Pechango, Logalla, and Captaingrande.

Q. What is the total number of pupils in those schools?—A. About 60.

Q. What is the total school population on these reservations?—A. They are all in school. A part of them are attending school here at the Sherman School. About 18 are here at the Sherman. I could not state the exact number off hand.

Q. What is the general health conditions among those Indians? Is it good?—A. No, sir.

Q. Do they have tuberculosis?—A. The Pauma Indians seem to have it worse than any other.

Q. Is there anything being done to prevent this?—A. We have a physician in charge of five reservations, but no special work is being done.

Q. Who made an inspection with reference to this disease here?—A. Dr. Shoemaker and Dr. Harrington.

Q. What percentage did they report?—A. I don't know. I don't think he found any real active cases on our reservation.

Q. Where is this reservation this young Mr. Meyers is from?—A. The Ceya. That is about 45 miles from here.

Q. Who is the superintendent?—A. Harwood Hall.

Q. Do you issue rations for any of those?—A. Rations are issued for the old ones.

Representative STEPHENS. Are the Morango Indians under your supervision?

A. No, sir. I would like to state in regard to the allotment question that the Ringon Reservation should be allotted right now.

Representative STEPHENS. What is the area?

A. I don't know off-hand.

Representative STEPHENS. How many Indians are there?

A. One hundred and fifty, I think.

Representative STEPHENS. What area do you think ought to be embraced in each allotment?

A. They have a reservation.

Representative STEPHENS. What would be the area of each allotment.

A. Of course, there is no use of allotting the mountain land. I think there is not over 300 acres to be divided among the 150 Indians.

Representative STEPHENS. So that there would not be over 2 acres for each Indian? Would that be sufficient to maintain them?

A. No, sir; but it would be better than it is now.

Senator TOWNSEND. If they had water on that 300 acres would they work it?

A. Yes, sir.

Senator TOWNSEND. How much land are they working now?

A. They are trying to farm all they possibly can.

Q. Are they pretty intelligent?—A. Yes, sir.

Q. Do they manifest a disposition to cultivate the soil?—A. Yes, sir. In some localities they do not. This same bunch of Indians was at one time well to do. They were in a prosperous condition when they were run out. The white people went in there, and, with the aid of the deputy marshal, they threw some of them out and dumped their things out in the road. They packed up and went off until they came to a spring and settled there, and that is on their reservation, where they are now.

Senator TOWNSEND. Who got the ground, their land?

A. I don't know. They were put off by the United States marshal. One of his deputies is at Temecula now; his name is Banks. He was the deputy then.

Senator TOWNSEND. Is it possible to get water on that land where they are now?

A. It is, but it is expensive. The superintendent of irrigation stated that it would cost about \$50 an acre by pumping.

Senator TOWNSEND. Is the land very valuable if water is put on it?

A. I suppose if water was put on that land, it would be worth \$400 or \$500 an acre.

**YAKIMA INDIAN RESERVATION AND WAPATO
IRRIGATION PROJECT, WASHINGTON**

HEARINGS

BEFORE THE

**JOINT COMMISSION OF THE
CONGRESS OF THE UNITED STATES**

**SIXTY-THIRD CONGRESS
FIRST SESSION**

TO

INVESTIGATE INDIAN AFFAIRS

SEPTEMBER 29 AND 30 AND OCTOBER 1 AND 3, 1913, AT NORTH
YAKIMA, TOPPENISH, FORT SIMCOE, AND
SEATTLE, WASH.

PART 2



WASHINGTON
GOVERNMENT PRINTING OFFICE

1914

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

CONGRESS OF THE UNITED STATES.

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YAKIMA INDIAN RESERVATION AND WAPATO IRRIGATION PROJECT, WASHINGTON.

MONDAY, SEPTEMBER 29, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
North Yakima, Wash.

The commission met at 8 o'clock p. m., pursuant to the call of the chairman.

The following members were present: Senator Joe T. Robinson (chairman), Senator Charles E. Townsend, Representatives John H. Stephens, Charles D. Carter, and Charles H. Burke.

STATEMENT OF DON M. CARR, SUPERINTENDENT, YAKIMA AGENCY, FORT SIMCOE, WASH.

Don M. Carr, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. You are the superintendent of the Yakima Indian Reservation?—A. Yes, sir.

Q. How long have you served in that capacity?—A. Since July 1, 1912.

Q. Had you been connected with the service, the Indian Bureau, prior to becoming superintendent of the Yakima Indian Reservation?—A. Not in the Indian Bureau; no, sir; but with the department for some time.

Q. What is the number of Indians on the Yakima Reservation?—A. The population is 3,076.

Q. When was that census taken?—A. July 1, 1911.

Q. What number of these Indians has been allotted?—A. Three thousand one hundred and sixty-nine approved allotments and 1,100 selections have been made, the latter of which have not been submitted to the commissioner for consideration or approval.

Q. Who is the allotting agent?—A. Mr. M. F. Norse is the special allotting agent.

Q. Are you not in error as to how long he has been engaged on the reservation in making allotments?—A. The records show that this series of allotments was commenced in June, 1910.

Q. Are the selections submitted through you?—A. No, sir. They will be submitted direct, although a copy for my general information has to be furnished me.

Q. Have any copies of selections made been furnished you during his service here?—A. No list of selections from June, 1910, up to the present time has been made until during the past two weeks, of selections. Some 1,100 in number have been suggested and put in proper shape for submission.

Q. By whom was this done?—A. It was done by a clerk detailed from the agency.

Q. Why was it not done by the allotting agent himself, if you know?—A. Well, he had no facilities for doing it. The clerk of the agency who was detailed to do it is called the allotting clerk. His duties at the agency consist in passing upon applications for enrollment, in looking up family-history matters, and in the preparation of land cards, one of which must go to the allotting agent before he will consider the enrollment of an applicant.

Q. What is the name of this clerk?—A. Mr. Richard Newmark.

Q. What is the reason for the delay, if you know, in making these allotments?—A. I do not know.

Q. Have you any supervision or control over the allotting agent?—

A. For the past two years the superintendent of the reservation has acted as the special disbursing agent for the allotting operations. That has been the extent of the supervision that the superintendent has had over the allotting work.

Q. During all this time Mr. Norse has been on the reservation as allotting agent he has not submitted any selections to the department for approval or rejection?—A. I understand not.

Q. How are these allotments made? Describe the process and how they are marked and what means are used for determining the allotment.—A. The allotment work would probably be divided into two classes, that relating to the eligibility of the applicant, the other covering the actual selection of the land. The first step takes place at the agency. An applicant presents himself and shows his qualifications to receive an allotment; if deemed satisfactory a land card is made out and sent to the allotting agent, and that is his authority to allow the applicant to make a selection. The practice has been followed of requiring in all possible cases the applicants to select their own land; at least Mr. Norse has so stated to me that that was his practice. There have been some cases in which he, acting on the power of attorney, has selected for applicants.

Q. How are the allotments marked, their boundaries?—A. They are marked by iron monuments.

Q. What is the area of an allotment on the Yakima Indian Reservation? A. Eighty acres within an irrigable section was the area of the earlier allotments; when the irrigable area was reduced they were given 40 acres in irrigable land, and the balance in grazing land. The grazing allotment is 160 acres.

Q. Can you state the total of the irrigable allotments that have been made and approved on the reservation?—A. There have been approved 3,169 allotments; probably 1,950, either 40 or 80 acre tracts, are susceptible of irrigation in the event of a sufficient water supply.

Q. What has been the expense of making these allotments?—A. Approximately, say up to July 1, 1913, the average cost per year has been about \$18,000, except the first year, when the operations cost \$20,000.

Q. How much per allotment? A. The average cost would be about \$50 per allotment, irrespective of the character of the country in which the allotment lies.

Q. What does this cost consist of, if you know?—A. The cost consists largely of the salaries of the intermediate crew, which has been

classed as a double crew, composed of 10 men for most of the time; the cost of forage for the horses, purchases of wagons and fuel, surveying instruments, camp equipage, and a small amount for the traveling expenses of the allotting agent.

Q. What is the necessity of so many men in making these allotments?—A. I presume that what is called a double crew has been employed on the theory that they could do twice as much work in the same time as half the men.

Q. Well, had the land been surveyed prior to the allotments being made?—A. Yes, sir. Practically the entire area had been surveyed before this allotment work commenced.

Q. Then it was no part of the duty of either of the crews to make surveys?—A. Other than to establish allotment corners.

Q. Well, I still can't understand the necessity for 10 men doing that kind of service.—A. There has been necessary some interior work in the section in which the allotting crew is now working, due to the fact it is scattered timber area with considerable underbrush.

Q. Have you information that a number of these allotments made by Mr. Norse will in all probability be rejected because admittedly the parties are not entitled to an allotment?—A. I have understood that some persons whose applications for enrollment were pending before the department have been permitted by Mr. Norse to make tentative selections, and that just recently some of those applicants have been denied the privilege of enrollment.

Q. Do you know about how many?—A. I can give you that tomorrow. I did not have a chance to look at it the other day.

Q. You do not know whether more than 100 or not?—A. I do not think so.

Q. Who is entitled to enrollment on that reservation?—A. The act of 1910, under which this allotment work has been carried on, says that land shall be allotted to children of Yakima parentage, or those probably belonging to any one of the tribes that compose the Yakima Nation who had not theretofore received allotments.

Q. Is it the practice to construe that statute strictly or apply it liberally to persons who are entitled to receive allotments?—A. I believe that has been liberally construed. In that connection I would like to say that I have had but one council; that was in November, 1912. At that time the Indians took the positive position with respect to doubtful applicants, and the most of those cases were either passed over without action or were turned down. There will not be any more councils, so far as I am advised.

Q. Do the councils determine the right of an applicant to an allotment?—A. Not finally; no, sir. The views of the council are given considerable weight, but both the Indian Office and the department act upon the facts stated in the application, which must be in the form of an affidavit, witnessed by two known members of the tribe, and upon the action of the council and the recommendation of the superintendent.

Q. That action of the council is advisory?—A. Yes, sir.

Q. Not conclusive?—A. No, sir.

Q. Have there been cases where Indians other than of Yakima parentage have been admitted into the tribe by the so-called process of adoption?—A. I believe there have probably—not recently either. My recollection is that the action taken on the council of 1912, which

was just received at the agency a few days ago, turned down the applications of several people who could only show part Yakima blood, the other part being Nec Perce or some other one of the tribes.

Q. Have you visited among the Indians of the reservation since you became superintendent?—A. Very generally; yes, sir.

Q. To what extent—how often?—A. At least half my time is spent in the field.

Q. And the remainder of your time is spent in the office at the agency, I presume, or the greater part?—A. Yes, sir.

Q. What is the general condition of the Indians with reference to thrift and industry on the reservation? What have you noticed about that?—A. I believe that the Indians of this reservation are of a progressive class, well above the average.

Q. What per cent of them are self-supporting?—A. Probably 20 per cent.

Q. You mean only 20 per cent are self-supporting?—A. Yes, sir; irrespective of the revenues derived from land sales or proceeds of that kind.

Q. You issue no rations?—A. We issue no rations; no, sir. But in the self-supporting class, may I say, I mean those Indians who do not look to the agency for any support at all.

By Representative BURKE:

Q. There are no gratuity appropriations for this agency?—A. No, sir; no gratuity appropriations at all.

By the CHAIRMAN:

Q. So they are practically self-supporting?—A. Yes, sir; but there is an element who support themselves through the leasing of their lands.

Q. They are not dependent, then?—A. No, sir; not on the agency. I excluded those when I said 20 per cent.

Q. Practically they are all self-supporting?—A. Yes, sir.

Q. No paupers among them?—A. No, sir; very few.

Q. How are the pauper class cared for?—A. In the winter we issue a small amount of rations to the needy. The number is very few; I think only 10 or 12 during the winter. That is out of tribal funds.

Q. There are very few paupers among them, however?—A. Yes, sir.

Q. What is the condition of the Indians generally with regard to health? I mean the Indians on this reservation?—A. The general condition is very good, I would say, with the exception of two classes of diseases which are not acute as yet.

Q. What are they?—A. Trachoma and tuberculosis.

Q. Have any investigations been made to determine the number affected with trachoma and tuberculosis?—A. An investigation was conducted during 1912 by officials of the Public Health Service, pursuant to an act of Congress, and I believe an investigation relative to tuberculosis was conducted in 1911 by the officials of the Indian Service. Those are the two investigations conducted along scientific lines, I might say.

Q. Do you know what percentage of the Yakima Indians—I mean the Indians on the Yakima Indian Reservation—are affected with trachoma?—A. The report of the Public Health Service just referred

to, which is printed as Senate Document No. 1038, Sixty-second Congress, third session, contains a table, on page 23, showing the percentage of trachoma among the Indians of the State of Washington as 13.35 per cent.

Q. They do not make a separate statement as to the Indians on this reservation?—A. Yes, sir; they do. The conditions on the various reservations are classified in the same report, more in detail, to show the percentage. On the Yakima Indian Reservation it is 19.83.

Q. Do you know what officer made this investigation for the Yakima Reservation?—A. Dr. Lloyd.

Q. Where is he now?—A. I believe his regular station is at Seattle.

Q. Were you here when he made that investigation?—A. Yes, sir.

Q. Did you confer with him?—A. I did, sir.

Q. Did you observe his method of working in making the investigation?—A. Yes, sir.

Q. What did he do, and how did he obtain his information?—A. At the upper end of the valley he visited the school at White Swan, the school at the agency, and visited some of the homes of the Indians—that, in fact, was the course that he pursued throughout the entire inquiry, visiting, also, the schools at Wapato and Toppenish and stopping to interrogate Indians wherever he met them, on the street or any place else.

Q. Do you know how many homes he visited on this reservation?—A. No, I do not.

Q. He did not undertake to visit them all?—A. Oh, no. He only attempted to visit enough to get an intelligent idea what the situation was.

Q. He merely made an estimate based upon such information as you have described?—A. Yes, sir.

Q. It did not purport to be an accurate report as to the actual number affected. Has there ever been any census, other than that which you have just described, made by Dr. Lloyd of the Indians infected on this reservation?—A. Not that I know of in the way of an actual census; no, sir.

Q. I wish you would turn to the Colville Reservation and see what the percentage of Indians is there who are afflicted with trachoma?—A. The table on page 31 of the Senate Document No. 1038 shows that at Colville Mission Dr. Lloyd examined 31 pupils; of that number 21 had trachoma, which would mean a percentage of 67.74.

Q. Do you know whether he made any more extensive investigation on the Colville Reservation?—A. No; I do not. I have not looked for Colville in particular, and this is the only table I see.

Q. Have you any information as to whether trachoma is increasing or decreasing among the Indians on the Yakima Indian Reservation?—A. I am inclined to the opinion that it is increasing.

Q. Has any action been taken within your knowledge to check the disease or prevent the further spread among them?—A. The Washington office has directed the submission of estimates looking to the remodeling of an old building at the agency to be used as a trachoma hospital.

Q. Who is your doctor on the reservation?—A. Dr. George W. Wimberly.

Q. Do you know the extent of his treatment of this disease and what he has done regarding it on the reservation?—A. Just in a general way. He has treated many cases and some with success.

Q. What do you believe, from your observation, to be the percentage of Indians on that reservation that are afflicted with trachoma; do you think the Lloyd statement is accurate?—A. I think the Lloyd statement is a little conservative.

Q. You think there are more than that?—A. Yes, sir. Not acute cases, but cases of trachoma nevertheless.

Q. Cases that are noticeable?—A. Yes, sir.

Q. How many pupils are there in the boarding school near the agency?—A. The capacity is 131.

Q. Were they examined during the last year with a view of ascertaining how many of them had trachoma?—A. Dr. Lloyd examined them at the time he was there.

Q. Anyone but Dr. Lloyd?—A. Dr. Wimberly has not made any examination?—A. Well, all pupils have to be examined before they can be admitted or enrolled.

Q. Admitted to the school?—A. Yes, sir.

Q. Don't they admit anyone who has trachoma?—A. No, sir; the regulations will not permit it.

Q. However slightly affected, they are excluded?—A. The condition of the regulation is that if they have trachoma they are not admitted.

Q. Have you a mission school on the agency?—A. No, sir; the boarding school at the agency is the only school outside of the public schools.

Q. Now, I want to ask you about tuberculosis among the Yakima Indians. What do you know about that? Is this disease common among them?—A. The disease is common; yes, sir—not so much so in the northwest as in the southwest. Dr. Lloyd also made inquiry with respect to tuberculosis, and found that for the State of Washington there was a percentage of 5.41 who had the disease. This is based upon an examination of 1,347 Indians.

Q. Did he make a statement as to the percentage of the Yakima Indians who had tuberculosis?—A. I don't think he did; no, sir.

Q. Do you know whether he made a statement regarding the Colville Indians afflicted with tuberculosis?—A. I do not think he did.

Q. In that connection I will say that a doctor, one of the agency physicians, estimates that in his territory at least 25 per cent of the Colville Indians have tuberculosis. What do you think about the Lloyd report with reference to its accuracy—5 per cent and something tubercular Indians among the Yakima Indians here?—A. Oh, it is too low.

Q. You think it is more than that?—A. Yes, sir.

Q. Would you have an idea, Mr. Carr, about what would be a correct percentage?—A. Well, I would say 18 per cent would not be too high for tuberculosis.

Q. In your opinion is tuberculosis increasing or decreasing here among the Indians?—A. I do not think it is a disease that is gaining perceptibly. It is difficult to detect it in the Indians until they get down, as they are very reluctant to make their condition known; and the known cases are not a fair indication of all the cases on the reservation.

Q. How many agency physicians have you here?—A. One agency physician, located at the agency, Fort Simcoe, and we have two contract physicians, one each at Wapato and Toppenish, who receive \$200 each per annum. They are carried as employees.

Q. Dr. Wimberly does outside practice, I mean additional practice, does he not? He does not confine his practice to the Indians, does he?—A. The condition in the upper end of the valley is such that it is a considerable distance to the nearest physician, at either Toppenish or Wapato, and in emergency cases and probably otherwise he has been called and rendered service, so I understand.

Q. What proportion of his time does he put in among the Indians?—A. He has always been willing, to my knowledge, to answer calls made upon him, but those visits have depended entirely upon calls or requests from the Indians for him.

Q. He does not undertake to go among them with a view of inspecting or investigating the condition, but only responds to such calls as are made upon him?—A. I think so.

Q. Does he undertake to go anywhere on the reservation in answer to those calls?—A. Prior to the time that we secured these two physicians at Wapato and Toppenish he went any place. That was pretty difficult during the time that the school was in session, because he would be away from the agency for three or four days of necessity; could not get down to the Satus country and back in three or four days at the best. Most trips he took four days.

Q. Does he handle it now?—A. Not now. We handle it by these other physicians.

Q. What is the school population on this reservation?—A. I would say the total population is about 400 children. That would include the children at the agency school, at the public schools, and also the known reservation schools. I am eliminating a possible 100 or so, maybe a few more.

Q. You have no day schools on this reservation?—A. No, sir.

Q. I wish you would describe the school system which is available for Indian pupils on the Yakima Reservation.—A. The school at the agency is the usual boarding school of the service.

Q. How many pupils are there, did you say?—A. We have 131 capacity.

Q. How many teachers are employed there?—A. Three.

By Senator TOWNSEND:

Q. You say capacity; how many attend?—A. 131. Sometimes there is a little bit over that if we can crowd them in and still keep within the sanitary requirements.

By the CHAIRMAN:

Q. How many teachers have you there, Mr. Carr?—A. We have three. At the present time we have no principal and have not had any since the 1st of last March, but the advanced teacher has been acting as the principal teacher.

Q. What subjects are taught in that school?—A. The school goes as high as the fifth grade.

Q. You spoke a moment ago of sanitary conditions among the pupils; have you a dormitory there?—A. Yes, sir; two, one for the boys and one for the girls.

Q. What is the relative number of pupils, male and female?—A. Just about half and half. If there is any shortage in attendance, it is on the boys' side.

Q. Do the Indian parents of those pupils visit the school often?—A. They do at stated times, principally on Saturday afternoons,

when the children are allowed the freedom of that immediate territory—allowed to go to a near-by store.

Q. What limitations do you place on the number of pupils attending the school? How do you determine when you have as many as you can care for?—A. The regulations of the office require us to a certain amount of floor space for every child.

Q. What is that?—A. I do not recall just what the cubic feet is.

Q. Can you ascertain? I would like to get it in the record, if I can. Do you enforce that regulation fairly?—A. Yes, sir.

Q. Is it within your jurisdiction to enforce it, or the duty of the principal?—A. It would be the duty of the physician, I would say, to see that the regulation was enforced, to see through me—if there was any violation take it up with me.

By Representative BURKE:

Q. You are the superintendent of schools, are you not?—A. Yes, sir.

By the CHAIRMAN:

Q. What number of pupils living on the reservation are in the public schools?—A. During the last school year we had a total enrollment of 204 pupils of Indian parentage in Yakima County.

Q. From what fund do you maintain that boarding school?—A. Largely from Indian school support, as I recall, any deficiency being supplied from tribal moneys.

Q. Where do you secure the money to pay for the tuition of Indian pupils in the public schools?—A. Those payments are made upon contracts, and the settlements are made through the Washington office. The vouchers are prepared here and taken up and certified and then submitted and the settlements are made from that end.

Q. You do not recall what fund they are paid from?—A. I do not recall.

Q. What do you think of the relative value of the two systems; that is, day schools on the reservation or putting the pupils where it can be done in the public schools?—A. I am strongly convinced that the public-school system is much more advantageous to the child than the boarding school or the day school, which is to my mind the least desirable of them all.

Q. Will you give your reasons for this?—A. My observations in the last few years have led me to believe that the contact with the white people, the chance to observe and the course of training, which is probably more advanced than usually pursued in the reservation school, is the reason for the advantage of the public schools over the boarding schools. The day school is not desirable because it is more in the nature of a gathering place for the families of the children there.

Q. What is the sanitary condition of the boarding school? Describe it.—A. The boarding school at the agency is old; that is, the buildings are frame construction; they are all heated by wood stoves and the bathing facilities are limited; the sleeping rooms are sanitary; the wash rooms are crowded; but the principal objection is the lack of room, sufficient room for space for individual toilets, and also poor plumbing in connection with the wash rooms.

Q. Have you given consideration to the best means of checking the ravages of trachoma and tuberculosis among the Indians?—A. I feel that the establishment of this hospital that I have heretofore referred

to and the conducting of what might be called a campaign is the best way that has occurred to me to reach the situation.

Q. Well, would the establishment of a tuberculosis hospital in New Mexico, for instance, be of material aid, in your opinion?—A. I could reach a sanitarium at Fort Lapwai, Idaho, easier than I could in New Mexico, and there are one or two cases I have tried to get there and have had difficulty in getting them away from the reservation.

Q. The Indians do not like to have their children or family leave the reservation, do they?—A. No, sir.

Q. They want to keep them where they can see them themselves on the reservation?—A. As a rule, they do.

Q. Have you any cases of blindness on the reservation?—A. I can recall of one old man at this time.

Q. You do not know of any others?—A. No. We have not any children now. We did have a child that died a few months ago, but I made special inquiry a few months ago and only learned of one.

Q. What was his name?—A. Joe Selin—Yenh nato.

Q. Is Saluskin blind?—A. Oh, no.

Q. What is your opinion of the efficiency of the boarding school? Are you satisfied with the service that it is rendering among the Indians?—A. As a kindergarten school to teach them their A B C's and to be taught the English language, I think it is all right.

Q. The clerk at the agency is Mr. Harry B. Miller, I believe?—A. Yes, sir; he is the ranking clerk.

Q. Do you know how long he has been employed there?—A. Since 1908, as I recall.

Q. He was there when you came?—A. Yes, sir.

Q. Did you receive any information that he was alleged to have been dealing in Indian lands?—A. I did not receive it; I discovered it.

Q. Did you communicate that information to anyone in Washington?—A. I did.

Q. To whom did you communicate it?—A. I communicated it in a letter written in longhand from The Dalles, Oreg., in the early part of this past year.

Q. To whom did you address the letter?—A. To Mr. Abbott.

Q. You mean the Acting Commissioner of Indian Affairs?—A. Yes, sir; he was then and had been for some time the acting commissioner.

Q. Did you receive any reply to that letter?—A. I did not.

Q. I hand you an instrument marked "Copy," purporting to be a letter dated January 11, 1913, and addressed to Mr. Abbott, signed by yourself. Is that a correct copy of the letter you sent?—A. That is a correct copy; yes, sir. The time that letter was sent I made a copy of it and in my own notes, in shorthand, with many changes.

Q. Did you dictate the letter to a stenographer?—A. No, sir; I wrote it myself in longhand.

Q. And made a copy in shorthand?—A. Yes, sir; made a copy in shorthand. I did not keep a carbon copy; I kept the notes.

Q. Is that copy made from the shorthand notes that you retained?—A. Made from my notes; yes, sir.

Q. Have you previously written to Mr. Abbott regarding Mr. Miller and some of his transactions?—A. Early in the fall I had.

Q. Have you got a copy of that letter? I mean the letter you wrote to Mr. Abbott.—A. I think I have; yes, sir. I am quite sure I can produce it.

Q. Can you produce it and attach it as an exhibit to your deposition?—A. Yes, sir.

Q. Did you get a reply to that?—A. Yes, sir.

Q. I will ask you to examine the instrument I hand you and say whether that is a copy of the letter you received from Mr. Abbott.—A. That is a copy; yes, sir.

The CHAIRMAN. Copy of the letter to Mr. Abbott, dated January 11, 1913, is attached as Exhibit A to testimony of Mr. Carr; a letter from Mr. Abbott, dated November 26, 1912, is marked "Exhibit B"; letter from Mr. Carr to Mr. Abbott, dated November 12, 1912, is marked "Exhibit C."

A. (Continued.) The letter of November 12, referred to in Mr. Abbott's letter of November 26, I have been unable to find a copy of, but his letter of November 26 acknowledges receipt of my letter of November 12; so it may be obtainable in the Washington files.

Q. It also refers to some charges which were mentioned in your letter to him, does it not?—A. He says nothing has been done.

Q. "Nothing has yet been done in regard to the matters you mention, and it will not be acted upon until the charges you suggest have been looked into"?—A. Yes, sir. The matter which had not been acted upon was a consideration of Mr. Miller for advancement, which I asked to be held up.

The CHAIRMAN. These two letters will be printed in the record, and Exhibit C, if it can be obtained.

EXHIBIT A TO DEPOSITION OF DON M. CARR.

THE DALLES, OREG., *January 11, 1913.*

MY DEAR MR. ABBOTT: Please see my letter to you of November 12 and your reply of November 26, 1912. The real reason for the request to defer action was to give me an opportunity to run down a "lead" I had. The data on the inclosed slips gives you what I have found to date. I am reluctant to bring it up and become involved and want to suggest that instead of handling it as coming from me you give the information to some good man to look into as an original proposition. The fact is I am very sorry for Mr. Miller, yet he certainly knew what chances he was taking. If you can handle it as I suggest or if you should see fit to call them technical violations of the regulations (Circular 318, June 29, 1909) I would be glad if that consideration could be shown him. Unquestionably he is a good clerk (above the average) and a change might remedy the trouble. I do not blame him entirely for I honestly believe if he had not been made so much of by friends until he thought he was "it" he would not have violated even technically any regulation.

Sincerely, yours,

DON M. CARR.

EXHIBIT B TO DEPOSITION OF DON M. CARR.

DEPARTMENT OF THE INTERIOR,
OFFICE ASSISTANT COMMISSIONER OF INDIAN AFFAIRS,
Washington, November 26, 1912.

MR. DON M. CARR,
Superintendent Yakima School, Fort Simcoe, Wash.

MY DEAR MR. CARR: I have your letter of November 12, asking me to defer action on the letter dated November 6, which you sent me in care of Mr. Davis. Nothing has as yet been done in regard to the matters you mention, and they will not be acted upon until the charges you suggest have been looked into.

Sincerely, yours,

F. H. ABBOTT, *Acting Commissioner.*

SEPTEMBER 8, 1913.

HON. CATO SELLS,

Commissioner of Indian Affairs, Washington, D. C.

MY DEAR MR. SELLS: It is alleged that a clerk of the Yakima Agency, who has charge of appraising and selling Indian lands, has been selling Indian lands to a confederate and then having the land transferred to himself, and thereafter selling said lands at a very big profit.

This condition, it is stated, was reported by the superintendent of the Yakima Agency to one of the officials of your office several months ago, but no action was taken by him.

Would you please advise if the facts are along the lines as stated, and if so, (1) the name of the clerk at Yakima Agency guilty of the offense in question, (2) the name of the official in the Indian Office who was notified and who has known of this condition, and (3) what action you take against the parties in question.

Please give this your personal attention and greatly oblige.

Sincerely, yours,

JOE T. ROBINSON, *Chairman.*

FORT SIMCOE, WASH., *September, 1913.*

HON. JOE T. ROBINSON,

United States Senate, Washington, D. C.:

Your message 10th. January 11 this year I addressed a semiofficial letter to Acting Commissioner Abbott, advising that Clerk Miller was suspected of dealing indirectly inherited Indian land; suggested that matter be handled by department by giving the information available and obtained from county record to some good man to investigate. Inspector Secretary's office now making investigation; has obtained further evidence establishing dealing have suspected.

DON M. CARR, *Superintendent.*

SEPTEMBER 8, 1913.

DON M. CARR,

Superintendent of Yakima Agency, North Yakima, Wash.:

Wire me if you notified Indian Office official that clerk of your agency was charged with dealing in Indian lands and state when and to whom you communicated. Give particulars. Wire answer quick.

JOE T. ROBINSON, *Chairman.*

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, September 10, 1913.

MY DEAR SENATOR: I have your letter of the 8th instant, in which you make inquiry concerning a report that "a clerk at the Yakima Agency, who has charge of appraising and selling Indian lands, has been selling Indian lands to a confederate and then having the land transferred to himself, and thereafter selling said lands at a big profit."

Since receiving your letter I have made diligent inquiry to ascertain the facts about this matter, and have to advise, first, the name of the clerk is Harry B. Miller; second, the name of the official in the Indian Office who is reported to have been notified concerning same several months ago is F. H. Abbott; third, on the 20th day of August, 1913, what seemed to be dependable information came to me to the effect that Harry B. Miller, chief clerk at the Yakima Agency, has engaged in the purchase of Indian land through other persons, and that the records in the recorder's office there show at least five such transactions. In one of these cases the land was purchased from an Indian, within a few days transferred to Mr. Miller for approximately \$2,600, and shortly thereafter sold by him to an eastern party for a sum approximately \$5,600; that the Sarah Andy allotment has been offered for sale, and that it is believed that in some manner Mr. Miller now holds a contract involving its purchase price.

On the same day, that is to say, August 20, 1913, I wrote to Inspector Linnen, then at San Francisco, Cal., among other things, as follows:

"The office has received information, which it is believed is dependable, that certain irregularities exist at the Yakima Agency, a brief memorandum of which is inclosed herewith.

"It is my wish that a thorough investigation be made, to the end that the persons involved may be absolutely vindicated, or the charges so proven as to leave no question as to the desirability of their separation from the service.

"As you will note from the memorandum herewith, there is but one person involved in serious charges of irregularity, but the investigation to be made with respect to the other two persons should be careful and complete."

Mr. Linnen has been at Yakima for the last several days conducting this investigation.

On yesterday morning I caused a telegram to be sent to Mr. Linnen, emphasizing my desire that this investigation be very thorough, and to-day I have sent him the following telegram:

"If you find land transactions as reported, ascertain why superintendent did not bring to attention of office at the time it first came to his notice."

I have sent this last telegram with the view of developing the facts and fixing responsibility for delay where it belongs.

Further answering your inquiry No. 2, I have personally examined the status file of the said Harry B. Miller, and find no reference to the matter about which you inquire. I have also made personal inquiry in an effort to ascertain the facts, and accordingly spoke to Mr. Abbott, telling him that it was rumored that he had, several months since, been notified of the alleged conduct of Mr. Miller. His answer was that it was wholly untrue, and that he had never heard of it until mentioned to him by me to-day.

As you will see from the contents of this letter, I am vigilently pursuing this investigation, and you may be certain that I will get to the bottom of it, and having done so, take such action as the facts found to exist may justify.

Sincerely, yours,

CATO SELLS,
Commissioner.

HON. JOE T. ROBINSON,
*Chairman Joint Committee to Investigate Indian Affairs,
United States Senate.*

WAPATO, WASH., *September 9, 1913.*

HON. JOE T. ROBINSON,
United States Senate, Washington, D. C.:

Your telegram 8 delivered through mails this afternoon. Subject matter is being investigated by inspector, Secretary's office, now here. Respectfully refer you to Commissioner Indian Affairs.

DON M. CARR.

SEPTEMBER 8, 1913.

DON M. CARR,
Superintendent Yakima Agency, North Yakima, Wash.:

Wire me to-day for use Congressional Indian Investigation Committee if clerk your agency has been dealing in Indian lands, either directly or indirectly, and if you notified Indian Office official, Washington, conditions. If so, give name of clerk and Washington official, when notified, and full particulars.

JOE T. ROBINSON, *Chairman.*

TRAIN 11, SOUTHERN PACIFIC RY., *October 8, 1913.*

THE SECRETARY OF THE INTERIOR,
Washington, D. C.

MR. SECRETARY: The Joint Commission to Investigate Indian Affairs held hearings at North Yakima, Wash., and at Fort Simcoe, and among other things investigated the case of Mr. Harry B. Miller, clerk of the Yakima Indian Agency. We found that he has been engaged in buying and selling Indian lands on the Yakima Reservation. While the record shows that the purchases made by him were not direct at the Government sales, we think that the evidence strongly indicates that when the sales were made he had the purchases in contemplation, and that the sales were collusive between him and the alleged purchaser.

Inspector Linnen has submitted his report showing the facts, and, in all probability, such action as the circumstances may seem to require has already been taken. Some of the circumstances which show this collusion are the following:

1. The consideration paid by Miller in every instance to the nominal purchasers was identical with the price at which the land was sold by the Government.

2. In certain instances contracts were made between Miller and the nominal purchaser before the patent issued.

3. Some of the records show that the transfer to Miller was made by the purchaser immediately after the sale by the Government, and in all cases Miller paid no additional consideration.

The conclusion is therefore reached that the nominal purchasers Rorer, Powell, and Brown were actually acting for Miller. Rorer is dead. Brown's statement was taken. It supports Miller's statement in the main. Powell's testimony could not be obtained; he was absent in Nebraska during the entire time the commission was at North Yakima, and for the whole period that Inspector Linnen was there.

Miller made two affidavits to Inspector Linnen. In the first affidavit he swore that there were only two transactions relating to land sales in which he was interested. When confronted with the evidence of two more, he admitted them.

It would seem that the good of the service would require that Mr. Miller be separated from the service.

Yours, very truly,

JOE T. ROBINSON, *Chairman.*

DEPARTMENT OF THE INTERIOR,
Washington, October 30, 1913.

MY DEAR SENATOR: In answer to your letter of the 8th instant you are advised that on receipt of Inspector Linnen's report the Commissioner of Indian Affairs suspended, by telegraph, Mr. Harry B. Miller, clerk at the Yakima Agency, Wash., and preferred the charge against him of dealing in Indian lands and deceiving the inspector. As soon as his answer has been received action will be taken on the record.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

HON. JOE T. ROBINSON,
*Chairman Joint Committee to Investigate Indian Affairs,
United States Senate.*

DECEMBER 8, 1913.

HON. CATO SELLS,
*Commissioner of Indian Affairs,
Washington, D. C.*

MY DEAR SIR: In response to your verbal inquiry as to the opinion and recommendation of the Joint Commission to Investigate Indian Affairs concerning the case of Harry B. Miller, clerk of the Yakima Indian Reservation in the State of Washington, it is the judgment of the commission that Mr. Miller should be separated from the service for the good of the service.

Yours, very truly,

JOE T. ROBINSON, *Chairman.*

By Representative BURKE:

Q. The question of Mr. Miller's promotion was under consideration?—A. Yes, sir.

Q. And you suggested that the matter be held until you could make some inquiries into some matters concerning him?—A. Yes, sir.

Q. You did not prefer in that letter any specific charge?—A. No, sir; not at all. There was nothing in the way of detailed information sent until my letter of January 11, 1913.

By the CHAIRMAN:

Q. I see by this copy of your letter of January 11, 1913, that you refer to data on slips which are inclosed.—A. Yes, sir.

Q. What did that data relate to?—A. That data consisted of information on the land-sale cards of sale of two allotments. One was the Joe Pollywaka and the other was the Casey Spooner sale. The Casey Spooner sale I have since found out was incorrect, except I confused the description, and what I thought then were two transactions was in fact a transaction in connection with the Joe Pollywaka case.

Q. Did this data which you sent in there show or purport to show the data of sales of certain allotments and the dates of conveyance to Mr. Miller of the same lands from the alleged purchasers at those sales?—A. The data I submitted showed all the transactions as contained in the land-sale cards at the agency, consisting of the number of the allotment and the appraised value, the date the bids were opened, and all similar data, together with the brief statements of the transfer of this particular piece of land as contained on the county records.

Q. Those transactions consisted of conveyance to Mr. Miller shortly after the sale of the tract sold for the same consideration as that for which they were sold, I believe. Do you know how many of those transactions there were?—A. You mean altogether?

Q. Yes.—A. Well, there were four tracts altogether. May I go back to that Pollywaka case just a minute?

Q. Yes.—A. The point in the Pollywaka case that attracted my attention and which was the one thing that I had at that time was the fact that the agreement between the parties selling to Mr. Miller and Mr. Miller was dated a month and a few days prior to the issuance of the fee patent to the original purchaser. This information was secured from the county records, and at that time was the information that made it appear to me that the matter might be investigated further.

Q. Who was the original purchaser of the Pollywaka allotment?—A. As I recall, Roher.

Q. Mr. Roher has since died, I believe?—A. Yes, sir.

Q. Do you know Mr. Powell?—A. Yes, sir.

Q. W. L. Powell?—A. Yes, sir.

Q. Since you have been superintendent of the reservation has he bought a number of tracts at these sales?—A. Not since I have been superintendent. Practically all of his operations were before my time. I think there has been one since I have been superintendent.

Q. You have no knowledge, I suppose, of transactions except what you have seen from the record and the data which you sent to the department?—A. That was all—

Q. What was it first attracted your attention to the matter and prompted you to make an investigation?—A. There seemed to me to be a—when I took charge I assumed from everything that I had heard that he was an excellent young man and employee, and at first had no reason to even think that he was engaged in buying Indian lands. Several of the prominent buyers, particularly Powell, seemed to transact their business, or at least come to the agency at times when I was out, or if I was there they were on very close terms with Mr. Miller, seemed to prefer to get information from him rather than from me, and it was with the idea of ascertaining what that relationship was that first caused me to commence to look sharp.

Q. Were those parties investors in land, for the most part, that you noticed, or were there others as well?—A. No. My remarks are directed almost entirely to Mr. Powell, although there was a little bit of a close relationship between Mr. Miller and Mr. Brown, but not so great.

Q. Mr. Brown was another of these purchasers who afterwards conveyed to Mr. Miller for the same consideration?—A. Yes, sir. I tried to find out, after looking at the county records and not finding anything, what methods were followed by these people in dealing with their lands where they bought on the deferred-payment plan, because I knew in some cases lands bought by them had been turned over to other people, and in a casual way found out that those transactions were handled through escrow agreement. I also had a pretty good line on the banks at which the people were doing business, but I didn't make any inquiry of any of the banks at that time because I had nothing definite to ask them.

Q. Mr. Carr, whose duty is it to receive and keep and open the bids for allotments that are sold?—A. Well, if the bids would come in while I was there I would take them or they would be put in the vault—in the safe. They are all supposed to be and generally plainly marked "Bid on Indian land, to be opened" so and so. The notice required that they be addressed in that way.

Q. Did Mr. Miller have access to those bids as clerk?—A. He had access to the safe; yes, sir; to the vault.

Q. Were those filed or left with him?—A. They were put in the safe; yes. There was no secret that there was a bid there. I had no idea that he would tamper with them at all.

Q. Was the public informed as to the appraised value of the allotment?—A. Oh, yes; the notice advertised that.

Q. So that the bidder would have an opportunity of knowing that when he prepared his bid?—A. Yes, sir; that has been the practice of recent years. It used to be otherwise.

Q. In the sale of allotments on that reservation what is the relation between the amounts for which the lands are usually sold and the appraised value—how do they run?—A. Well, ordinarily they should run reasonably close, although it is just a matter of judgment of the probable value of a piece of land. As a rule a lot of people who have been making inquiry have said the land was appraised a little too high.

Q. In selling those allotments and making the appraisements, what elements of value are taken into consideration?—A. We have to appraise each tract on its own merits, so to speak, considering the character of the soil, whether or not it is susceptible to irrigation, its accessibility to transportation facilities and towns, and matters of that kind, is what enter into consideration in arriving at the value of the land.

Q. How are these appraisements made?—A. Some of them have been made by myself, and if I can't make them, I instruct the farmers to make them, but in the event any of them are made by farmers I generally go over the matter before appraisement is accepted.

Q. You don't rely on the farmers, then?—A. Not entirely so; no, sir. I think the men are competent, but I like to feel entirely satisfied myself.

Q. You have submitted to Inspector Linnon a full statement of your knowledge of the transactions of Mr. Miller and these tracts of land I have asked you about?—A. Yes, sir; I have.

Q. What have you to say about the location of the agency? It has been suggested by some that it is not conveniently or properly located. What have you to say to that?—A. The agency is located 32 miles from North Yakima, 26 miles from Wapato, and 30 miles from Toppenish. All of the financial transactions originate from those three places, and while we have daily mail facilities six days out of the week, the arrival and departure of the mail makes it difficult for us to handle even our important matters of finance as promptly as we should. As a point of operation the agency should be located closer to what might be termed the business section, which is now locally known as the proposed Wapato project.

Q. Where would you suggest it be located?—A. The town of Toppenish is the largest town on the reservation and is probably going to be the best town. The agency has a reservation of 40 acres three-quarters of a mile from it directly west; but as a point of operation I believe that Wapato would be the best location, particularly—

Q. Well, both of those towns have liquor sold in them, do they not?—A. Yes, sir.

Q. Would it not be objectionable to move there for that and other reasons?—A. I do not think that at either place the agency should be in the town. The tract reserved for agency purposes near to Toppenish is three-quarters of a mile out, and the one we would like to get at Wapato adjoins the townsite.

Q. Well, would not that virtually be bringing the Indians to the liquor, and would not that multiply your troubles in that particular, to move the agency to either one of those places?—A. Well, it might, but I have a large number of Indians who visit Toppenish now.

Q. Do they go there for the purpose of getting liquor?—A. Oh, they just go to town, and that is the principal town they go to.

Q. Do you have much drinking among these Yakima Indians?—A. I don't think we have but few who are habitual drunkards. We have a good bit—

Q. Have much trouble with bootlegging?—A. Yes, sir; I have a good bit of trouble. At least it seems a good bit to me.

Q. Are these bootleggers white men or Indians, or both?—A. Oh, they are both, mostly white men.

Q. Are they pretty well-known characters?—A. Some of them are; yes, sir; but under the decisions of our court they must be caught in the act before you can get a conviction, and in the dark of the night it is pretty hard to see sometimes.

Q. What are the common methods of operation, as you understand them, amongst the bootleggers on this reservation?—A. Oh, they just buy a bottle of alcohol, paying 4 bits for it, and sell it to the Indians for 6 bits—75 cents.

Q. Do the saloons sell the Indians at the bar?—A. No, sir; not to my knowledge, and I do not think they do.

Q. How many persons have you employed at the agency, Mr. Carr?—A. The agency force consists of eight employees.

Q. Who are they?—A. Mr. Miller is the ranking clerk, commonly called the chief clerk; Mr. Case, who assists in handling individual Indian money transactions, which requires a good bit of clerical work,

drawing checks, and so forth; Mr. Berkness is the property and issue clerk; Mr. Newmark, the rating clerk; and Widmore, the stenographer and typewriter; Mr. Kirk, the heirship clerk; Mr. Buffalo, the lease clerk; and Mrs. Perkins is assistant. Those are the agency employees. On the school side I have three teachers, a carpenter, a blacksmith, an engineer, a seamstress, a laundress, a disciplinarian, a matron, an assistant matron, a labor and industrial teacher, a teamster, a school cook, a baker, a doctor, and a nurse.

Q. Are any of your employees Indians?—A. Yes, sir.

Q. How many?—A. Mr. and Mrs. Besaw, the disciplinarian and assistant matron; Mr. Buffalo, the lease clerk; Mrs. Jordon, the cook; and the person who will fill the position of baker are Indians, and Mr. Case.

Q. Well, what have you to say about the efficiency of these Indian employees—are they efficient?—A. Yes, sir; my employees are very good.

Q. I mean the Indians?—A. Yes, sir.

Q. How do they compare with the white employees?—A. Well, Buffalo is a rattling good lease clerk, Case is a good typewriter, and Besaw is a good disciplinarian, and Mrs. Besaw is a good assistant matron.

Q. What kind of Indians are they; are any of them full blood?—A. I don't know that Mr. Buffalo is; I don't think he is.

Q. What about the others?—A. Case has very little Indian blood, I guess. Mr. Besaw would be half at least; Mrs. Besaw would be full blood; Mrs. Jordon, the cook, is full blood. They are all from other tribes; none of them are Yakimas.

Q. How long have they been there, do you know?—A. Oh, the longest about a year—Mr. and Mrs. Besaw about a year.

Q. Now, in the general work about the reservation do you have Indians employed?—A. Oh, yes, sir. In freighting, the Indians do all of that of course, and in road construction work, they do that, and this year I have had one man who assisted in the operation of the force, some construction work, and the fires being a little unusual, so much so that we had to employ some additional workmen, and I employed Indians wherever I could get them to do it.

Q. How do they compare as laborers with white persons?—A. As laborers they do very well working for us. Back there where you asked me about the employees I forgot about my agency interpreter, who is an Indian, and my chief of police and policeman.

Q. What is the state of order and law enforcement throughout the reservation?—A. It is very good.

Q. Do you have much criminality?—A. No, sir.

Q. What amount of timber is there on the reservation?—A. About 600,000 acres of timber.

Q. What kind of timber is it?—A. Largely yellow pine and Douglas fir.

Q. Is there much mature timber among it?—A. Good bit of it, yes, sir. It is matured and ripe.

Q. Is it readily accessible to market?—A. Not readily, no, sir. The nearest units, one near Toppenish Creek, and the other on Simcoe, are 10 miles from the town of White Swan.

Q. What timber is on these units?—A. There is about 14,000,000 feet in each of those units; stumpage. It is possible that timber could be handled locally, although it would take a few years to do it.

Q. Do you have any trouble with forest fires in your timber on the reservation?—A. We had a few this year, while last year we had none at all to speak of.

Q. What protection have you here against forest fires?—A. We have a force of employees who serve as forest guards, working under the supervision of a deputy supervisor of forests. That force consists of seven guards.

Q. You have no control over them?—A. They work under my general supervision, yes, sir. The actual work on the ground is done under the supervision of the deputy supervisor of forests.

Q. Have you disposed of any dead or down timber?—A. There has been no timber sales up to this time.

Q. Is there any demand for it?—A. We had some inquiries last year, but they did not materialize.

Q. Can it be sold probably?—A. I think we can sell some; yes, sir; although I don't believe we could sell the most valuable part along the Klickitat River at this time.

Q. Do the regulations provide for the sale of dead and down timber?—A. No, sir. The regulations do not provide for the sale of dead and down timber, except a nominal charge to white persons where they want it for firewood.

Q. Do you have much demand for that kind of timber for firewood?—A. Very little, and limited to settlers in the upper end of the valley.

By Senator TOWNSEND:

Q. When did you first have any difficulty with Miller?—A. I never had any difficulty with him, Senator.

Q. Has there been a good understanding between you and Miller all the time?—A. Oh, Miller does not know that I have done anything, or that I knew anything about it, or that I reported it up to this time.

Q. Was that the only report that you ever made against him?—A. That was the only one; yes, sir. My letter of November 6 recommended his promotion.

Q. Now, on November 6 you recommended his promotion; then when did you write to have that held up?—A. Six days after that.

Q. Now, you remember what was the substance of that letter?—A. My letter of November 12?

Q. We have a copy of that here, have we?—A. No. The letter of November 12 is the one we can't find a copy of, but I just said in that, "referring to my letter of November 6, please hold up action in the matter of his promotion in order to give me an opportunity to investigate some matters and run down a lead which I had which might"—

Q. That was the substance of the letter?—A. That was the substance of the letter.

Q. Was that written in long hand, too?—A. That was in long hand; yes, sir.

Q. Why did you write in long hand?—A. Well, my files have generally been pretty open, although I might have kept it at the house, that is true, but I did not want anybody to know about it up there.

Q. And you marked it "confidential"?—A. Yes, sir.

Q. Then you heard nothing from that?—A. Got an acknowledgment of that letter under date of January 26; yes, sir.

Q. Is that the one of which we have a copy?—A. Yes.

Q. Then later, on January 11, 1913, you wrote him a letter telling him what you had found?—A. I did. The information that I had found was on the slips inclosed with that letter. Of course, the substance of what I found was contained in the letter itself; the details were on the slips.

Q. And that was written in long hand for the same reason the other letter was?—A. Yes, sir. This information I got from the county record, as I recall, about the 20th of December, and I had to go up the river, on telegraphic instructions, to investigate a bridge matter, and I took it with me to handle it personally there, because I was free from observation or any possible chance of anyone getting on to anything.

Q. Miller was subsequently promoted, was he, in salary?—A. Yes, sir; the 1st of March he was promoted to \$1,500.

Q. Did you have any correspondence with the department or with the office between January 11 and March, when he was promoted?—A. I don't think I did; no, sir. I acquiesced; I thought something would come of this matter and I had given up hope of getting him promoted sometime before that. I did not want him promoted then.

Q. Do you remember whether you stated in the letter that you wrote on the 12th of November to the Acting Commissioner that these were not serious matters—anything of that kind? Did you write that?—A. No, sir; I just asked him to defer action—that would be the best way to put it. I did not intimate to him really what I had in mind. I asked him to hold up action on that promotion.

Q. But you say you did not indicate the nature of the thing you had in mind?—A. No, sir; I did not.

Q. Now, you stated that Dr. Lloyd examined the children in the school, the reservation school, and went to the other schools here and talked with such Indians as he met.—A. Yes, sir; outside of the schools.

Q. That was the extent of his investigation?—A. So far as I know, it was; yes, sir.

Q. Well, would you expect he would find any in the schools when you exclude those who have it from the schools anyway?—A. The white schools have not been as strict, the public schools were not as strict. They do not require an examination, as thorough at least, as we did have at the agency.

Q. But the agency school—no scholar is admitted there unless he passes the examination of your doctor?—A. No, sir.

Q. So you would not expect to find any there if your doctor's examination was any good?—A. No; you would not. The percentage ought to be 100, practically.

Q. Well, that was a pretty poor way, was it not, to find out whether trachoma existed or not?—A. Yes, sir. We should not have had any there, although it could have been conveyed there in a few cases.

Q. Now, has your doctor excluded from entering the schools pupils or children who had trachoma?—A. Yes, sir; I believe he has.

Q. Does he treat them afterwards? Does he go to the families where they are and treat them?—A. Well, he has gone there, but it is not a successful way, Senator, because he might go four or five times and not find them there.

Q. Well, has your doctor here advised any system of treating these children who are affected?—A. The doctor is in thorough accord with this idea of getting a trachoma hospital. He feels something can be accomplished that way.

Q. Has he made such a recommendation?—A. Yes, sir.

Q. And it has been sent to the department?—A. Yes, sir.

Q. Has he recommended a campaign such as you suggested a little while ago?—A. Yes, sir. He is in thorough accord with it.

Q. What kind of campaign would that be?—A. Well, he would have to go out and examine the Indians at their camps or tepees, and where you discover trachoma try to persuade them to come in, and if you could not persuade them, why I am afraid I would have to send a policeman out to bring them in.

Q. That is if you had a sanitarium for them at some place?—A. Yes, sir.

Q. How many farmers did you say you had?—A. Three.

Q. What are their duties?—A. Generally their duties are to assist the Indians in running his farm or learning to run it, caring for his stock and his implements.

Q. Does he exercise that duty?—A. Yes, sir.

Q. Quite extensively?—A. Yes, sir.

Q. Does he spend all of his time in the field?—A. Not all of his time, no, sir; we require the farmers at Wapato and White Swan to devote almost all of their energies to those matters. Now, the man at Toppenish is taken from that only as much as may be necessary to pass upon purchases of horses or implements or things like that that we are buying for them with trust funds, and also in the case of the man at Toppenish, the monthly allowance checks are sent to him for distribution. He is in his office on Saturday of each week to handle the office business, and the balance of the time he spends in the field.

Q. With the Indians?—A. Yes, sir. Driving around and investigating leases, and whether or not the terms are being complied with, and passing upon applications to lease, to see that the consideration offered is fair and proper and matters of that kind.

Q. Does anybody advise with the Indian as to whether he should till his land or lease it?—A. Oh, yes. We always try to get them to farm whenever we can.

Q. To work it themselves?—A. Yes, sir.

Q. Well, are you in a condition to equip them with the implements and things necessary for farming?—A. In a good many cases they have individual Indian moneys derived from the sales of inherited lands, and these proceeds are used to put them on their feet.

Q. It has been suggested, this question: You say you encourage them to work their own land; did you ever refuse to ratify a lease where you thought the man was able and ought to farm his land and work it?—A. I did. This past year I did in one case. It was a pretty difficult case to handle, too. The crop burned up, and the fellow would not farm it, and he came within the regulation of being able-bodied, and under such circumstances I would have had to have followed the regulation had I consented to leasing the allotment, or either let him put a labor contract on it, which would be for this year only.

Q. You mean you do not consent to the leasing of land where the Indian is able-bodied?—A. The regulations do not permit us to lease the land of an able-bodied allottee.

Q. The regulations do not?—A. No, sir. On the theory that they ought to farm it themselves. The only exception to that rule would be a case where the man and his wife were living on the wife's land or land that is better than his.

Q. There was some testimony, Mr. Carr, to the effect that an Indian was not able to get credit and he had to abandon his farm. What do you know about that?—A. Yes, sir; I made a note of that. I was going to ask if I might not say, in connection with that, that it has been my practice this year to get back of the Indians who exhibited a desire to farm their lands, but who were limited in a financial way, and to secure credit for them through different merchants, with the understanding that if the merchants would carry them for subsistence and a limited amount for labor in putting up their hay, that the agency would see that they were reimbursed. That has been done in several dozen cases this year.

Q. Were you going to discuss that particular case?—A. No, sir. I say that has been done in several dozen cases the past year.

Q. Do you know what that case was that was spoken of Saturday?—A. No; I don't know the case that was spoken of. The case that I know of is the Smith Lucei, where the question of mortgaging crops was involved, but I think this credit proposition was just in general.

Representative BURKE. Well, Mr. Lee pointed out the place of this particular Indian that was referred to the day before when we were passing.

Mr. CARR. Smith Lucei, was it?

Representative BURKE. I don't remember the name.

Mr. CARR. The case I had in mind was a young fellow by the name of Bill or Sebastian Mann, but we did not pass that place.

Representative BURKE. We passed a place and he said that was the place Mr. Snively, or whoever it was, referred to.

Mr. CARR. Yes, sir.

By Senator TOWNSEND:

Q. Do any of the Indians on the reservation to your knowledge save money—have they any bank account—have they gotten ahead at all?—A. I know of several who have means; some of them are well-to-do, but they are exceptional instances. Take the Barnes and the Olneys and the Robinsons and the Bardons, they are breeds—some of the breeds particularly have been getting along very well, indeed.

Q. What do people who do not have agricultural land or lands that will raise crops, what do they do for a living?—A. Some of them have grazing lands that they lease or they might be interested in inherited lands that they lease. I have not a poor class of Indians, I do not think at all. They are above the average in a financial way.

Q. Do any of them have herds of their own on the grazing lands?—A. Yes, sir; we have four bands of sheep owned by Indians on the reservation. They have heretofore paid no grazing fee; in that regard they have had free range all year.

Q. On the reservation you mean, or off the reservation?—A. Yes; on the reservation.

Q. Did the lands belong to the reservation?—A. Tribal lands.

Q. Are you contemplating changing your policy in that respect?—A. Well, it would seem advisable that they should be allowed free

range for a limited number, but using tribal property as they do they might at least pay a nominal charge for all above a reasonable number per family.

Q. Now, have you contemplated the proposition of lumbering any part of the forests here that belong to the Indians where the timber is going back, where it is matured?—A. We have considered logging operations on those two units that I referred to, on Toppenish and Simcoe Creeks; that is, we did last winter, but we could not get any encouragement from local people who might want to bid. The market did not seem to justify going to the effort of advertising it at the price we had to advertise it at. All of this timber has been appraised by a commission appointed for that purpose and the valuation fixed on some of the units, at least those two, at \$1.25 a thousand stumpage. We could not get any encouragement from any of the local people that they would bid that price.

Q. Well, we came through large tracts of timber, we passed largely through them on the Colville, not here, as far as I can remember, but I assume it is the same here as it is there, where there was timber apparently going to waste, and it has been suggested by members of the Committee on Indian Affairs in the Senate, that perhaps a mill might be erected and the Indians allowed to lumber their own timber and thus, perhaps, save the waste, what seemed to be a great waste, that is going on now. Do you think that could be done successfully on this reservation?—A. The attempts here, Senator, have not been successful. They have had several mills, but as I said, for various reasons they were not successful. The principal one was because the Indians do not take to logging operations. I have a part of an old mill on my property return now that was brought in here 18 years ago, and it is still at the agency; it never got to see any of the timber.

Q. What is yellow-pine lumber selling for here?—A. We have a mill on private lands on the south side of the reservation, a good day and a half's trip from White Swan, where we can buy a fair grade of pine for \$7.50 a thousand. Now, the wagon transportation across the ridge is estimated to be about \$10 a thousand. We could probably get that timber laid down at White Swan for \$17.50 or \$18 a thousand, not figuring anything for wear and tear coming down about 5 miles of rocks. We can buy the same lumber here for \$20 and we can't compete with those prices through a Government mill.

Q. Is there any of that soil that is covered with trees now good agricultural land?—A. Some of it is, down in what is known as the bug-infested area, probably four districts in the Cedar Valley country and in this disputed strip recognized by the act of September, 1904, where the beetle presumably killed the timber, a butterfly having killed the foliage—I have been told by men who were there years ago that was some of the finest timber in this Northwest—that timber is dead; that is, with very few exceptions, just an occasional tree here and there that survived the pest, and we have an undergrowth there now of pines, in some cases very thick, in some cases probably 5 or 6 feet high; but we have soil there that's all agricultural land. The expense of clearing that land would be considerable. That is where the allotting operations are going on, being the only land still unallotted that can be classed as agricultural land.

Q. Is that where it should be irrigated?—A. There is hardly any possibility of water in that section.

Q. So the land would not be very valuable after the timber was cut off?—A. No, sir; not to justify clearing it.

Q. You say you have one field matron?—A. Yes, sir.

Q. What is her duty?—A. She is charged with the duty of visiting the homes of the Indians, and at present is paying particular attention to the women in an endeavor to improve sanitary conditions, assist in cases of sickness, and one thing and another.

Q. Is she successful in that work?—A. Only fairly so, Senator. She really has not had a fair trial only up until a few months ago. When I came here she was stationed at Wapato, and the business of the agency was pretty large and she was performing the duties of a farmer, passing on implements and teams, and so forth, and trying to improve sanitary conditions also, but that has all been changed, she devotes her entire time to the duties of a field matron.

Q. Can she get around among the Indians?—A. Oh, yes; she has a team—horse and buggy.

Q. And she goes all the time?—A. Oh, yes; all the time. She is very faithful in her efforts to do all she can.

Q. It is possible to get around over this reservation pretty well, is it?—A. Very easily, with the exceptions of the times when the road get awfully heavy.

Q. Do you use more than one?—A. I could use another matron to good advantage, but these regulations just now, which the Senator has in his hands, provide a new departure with respect to nurses at sick hospitals. Heretofore the nurse when engaged in nursing the children has been supposed to assist in other branches of the work - in the sewing room or wherever her services might be most needed - but these regulations are revised, that hereafter the nurse, when not engaged in nursing, shall deal with field matron's work. Now, I rather anticipate I can get some service out of the nurse in the upper end of the valley.

Q. Would a woman be more liable to secure or accomplish remedies for trachoma, and so on, than a man?—A. I don't think so, Senator.

Q. Could not the matron induce the Indian mother or father to use a wash and keep separate towels for their children?—A. I think some progress can be made, but anything in the way of a field matron's work must be accomplished by frequent visits there, at least in the early stages of the disease.

Q. Do the doctors on the reservation have frequent calls from the Indians?—A. Oh, yes.

Q. If an Indian is ill, does he want a doctor?—A. Yes; they do quite often. I do not have many speak of the medicine man any more. They are breaking away from it very readily.

Q. I was going to ask you about that. In a case of consumption do they use the sweat baths and the cold plunge?—A. Well, when they get down with consumption, why, of course, they do not. There are times when we don't know of a case of consumption until the man is about done.

Q. Do they generally require a physician in the case of a birth of a child—does the mother require the services of a physician?—A. No; very seldom. They get along without any special services. Of course, there have been cases where the services of a physician have

been required and they have been rendered, but as a general thing they do not in such cases call for a physician.

Q. Do they observe the marriage relation closely?—A. I have some younger Indians who would be inclined to wander, but the older ones are pretty faithful to their vows. Those that we persuaded to be married legally in the past few years, and we are doing that in every case we can, seem to be just as good about keeping their vows as could be expected.

Q. What do you call a legal marriage?—A. I mean get a license under the laws of the State and be married by a regular ordained minister.

Q. Do they usually follow that course?—A. We have to persuade them sometimes to do it. We have to show them that sometimes property rights and the rights of children are settled according to the laws of the State, and the Indian-custom marriages are no longer good. They are husband and wife, however, and are also allotted as husband and wife.

Q. Is that true? Suppose you have a case here of the death of an Indian who was not legally married, as you call it when they have not taken out any license and have not been an officer such as is prescribed by the statute, which would make what we would call a common-law marriage, would not the common-law wife and the children from that relation inherit his property?—A. The children would by virtue of a special act, I believe, which requires that the child of any such marriage shall take the name of the father, but I do not believe that the wife or the woman would inherit.

Q. Would get any rights?—A. No, sir.

Q. How about divorce?—A. Divorce? We do not have many Indian divorces any more. They are getting legal divorces.

Q. Do you grant divorces?—A. No, sir; I do not. The decisions of the courts have been that licenses issued by the superintendent and divorces granted by the Indian court are not valid, so we do not follow the practice here at all.

Q. Now, you have said that you taught them to the fifth grade in the schools?—A. Yes, sir.

Q. Have you watched those children to know whether they went to school any after that?—A. We have tried to get pupils from our school to go away to nonreservation schools.

Q. With what success?—A. Last year we had a fine increase. We had an increase in the attendance at the Cushman School from 6 to 36, I believe it was. They seem anxious to go and I was anxious to get them there, and so far I have no cases where they came home for vacation and would not go back. They enroll for three years, you know.

Q. In the school?—A. Yes, sir.

Q. Have you seen any that came back from Cushman in the other schools?—A. Yes, sir.

Q. What do they do after they get back?—A. Well, after they get through, Senator, some of them go to farming or become interested with their parents in stock raising or something like that. A few of them are following trades, but they generally take up farming, follow that. My people are naturally farmers or stock raisers.

Q. To-day some of the gentlemen who were in the car with me stated that they had difficulty here in the admission of the Indian

to the white schools outside. That is, that the white people did not want the Indians in school because of trachoma.—A. I do not think so, Senator. I do not think there is any prejudice in this county against the Indian children. I think where we have any known cases of trachoma, I think it is our duty to take the child out of the white school, the same as we would out of the boarding school.

By Representative STEPHENS:

Q. You have put into the record a letter purporting to come from Mr. Abbott, the Acting Indian Commissioner.—A. Yes, sir.

Q. That was in reply to one that you had written him relative to this Miller matter?—A. Yes, sir.

Q. Is that an original letter or a copy that you have introduced here?—A. This is a copy of an original which I have.

Q. You have the original?—A. Yes, sir; I have it.

Q. Did that original come in the ordinary envelope, franked envelope of the department, or was it stamped when it came to you?—A. I would presume that it came in the ordinary franked envelope. It is signed "Acting Commissioner."

Q. Do you know Mr. Abbott's handwriting?—A. Yes; I think I would, Mr. Stevens. I have known Mr. Abbott intimately.

Q. You examined that letter when it came to you?—A. His signature?

Q. Yes. Was it in his handwriting?—A. Oh, it was on a type-written letter; the signature, I presume, was in writing. I do not recall having examined it with that idea in mind, but I have no reason to doubt that it was his signature.

Q. Have you it with you to-night?—A. No, sir. The letter is at the office at the agency, but I can get it to-morrow.

Q. And examine it for that purpose before we leave?—A. Yes, sir; certainly.

Q. Can you get the envelope in which it was forwarded?—A. I don't think I can. I do not think I saved the envelope.

Q. Is it customary to send them in the franked envelope of the Interior Department or is it customary to stamp them?—A. Oh, I would say this letter could very properly come franked.

Q. Was it on the paper used by the department, whatever letter-head is used?—A. Yes, sir. It was on the letterhead of the Assistant Commissioner. There are other indications there to my mind that would indicate that it was treated as a confidential communication, sent so as to reach me personally.

Q. Could the statement in that letter have referred to anything else, except the Miller statement, the letter that you received—from the language could it have referred to anything else, except the letter you had written to him relative to the Miller matter?—A. No; it could not have referred to anything else.

Q. Now, with reference to these Indian judges that are provided for in the Indian appropriation bills every year; do you have any of those on this agency—judges of Indian courts?—A. We have two; yes, sir; at the present time.

Q. What services do they perform?—A. Well, the Indian court meets once a month or oftener, if necessary, to consider complaints.

Q. Do you believe them to be of any advantage in the control of the Indians?—A. Oh, yes. They can settle complaints among themselves to advantage.

Q. You think it is money well spent, then?—A. Indeed I do. I think when you pay them only \$7 a month and ask them to ride 20 or 25 miles anyway, I think it is money well earned. I think they ought to have a little more money.

Q. You think they deserve more?—A. I do; yes, sir.

Q. With reference to the sale of intoxicating liquors we also make a heavy appropriation every year, I think it is \$75,000, for the purpose of preventing the sale of intoxicating liquors to the Indians. Is any of that money spent on this reservation?—A. That money is spent under the regulations of the chief liquor officer of the Indian Service.

Q. Who is that officer here?—A. I have no such officer.

Q. How is that money expended here?—A. It has not been expended during the last year except one of the employees came in here to make an investigation for a few days.

Q. None of it?—A. No, sir. Practically speaking there has been no money of that appropriation spent on this reservation since I have been here.

Q. Who was it sent here to make the investigation?—A. Why, Mr. Crowder was here for a few days looking around.

Q. Did he take any steps toward preventing the sales?—A. I think he arrested a couple of fellows that we could have picked up anytime.

Q. Were they tried?—A. They have been tried so often they have worn out their welcome.

Q. Have you ever had any convictions?—A. Yes, sir. Not in the past year, because the officers who followed it before that have quit since their pay was stopped for securing convictions.

Q. Which court do you prefer to try them in?—A. We prefer to try them in the Federal court.

Q. Do you get more decision in the Federal court than you do in the State court, or are the sentences more severe?

A. The sentences of the court in the cases I have personal knowledge of are not severe; no, sir. Sixty days for the first offense.

Q. That is, the Federal judges give them 60 days?—A. Yes, sir.

Q. Do they serve out the sentence or do they appeal?—A. Yes, they serve out the sentence and are very grateful to get off so easy, I think.

Q. Do you have Indian police on the reservation?—A. Yes, sir; I have four besides the chief of police, five in all.

Q. Do they arrest anyone for violation of the law in the sale of liquor?—A. For the sale of liquor?

Q. Yes.—A. No, sir; they arrest Indians for being intoxicated, or things like that.

Q. Do they get the bootleggers; do they arrest them?—A. No; they can't do that, hardly.

Q. Would it not be an easy matter to find out who it is selling liquor?—A. Well, we might use them in that capacity.

Q. Would it not be easy to stop it if you were to use the Indian policemen the same as policemen are used in the cities for the purpose of arresting violators of the law?—A. I do not believe, Mr. Stevens, that our policemen could ever be good enough detectives to find the offenders.

Q. Then what is their duty as police officers?—A. That is his duty, but I do not think he is a policeman who could do it. I don't think he can catch them; that is the idea I have in mind.

Q. Then would it not be possible with the appropriation of \$75,000 we have made, to employ white men?—A. They do employ white men, I think, under that appropriation entirely.

Q. You have none on this reservation?—A. Yes, sir.

Q. And yet liquor is being sold to your Indians?—A. I have no jurisdiction over that appropriation. I abide by the action of the department.

Q. Why not put it up to the department?—A. I have.

Q. And have proper employees of the Government to investigate and make arrests.—A. I have reported fully the liquor-selling conditions on this reservation in several communications.

Q. Have you received replies to your communications?—A. Yes, sir; I have received replies.

Q. But only had one man here to investigate?—A. That's all.

Q. You said if you thought there was an agency here where these saloons are located you did not think you would have any more trouble than with the agency as now located. A. Why, I don't think we would with the agency at Wapato, Mr. Stevens.

Q. Is it not a fact you pay the money to the Indians where the agency is for rentals?—A. Not necessarily so. We send some by mail around to them. The monthly allowance checks are sent, some through the mail and some through the farmer at Toppenish.

Q. But, as a matter of fact, is not the most of it paid by the agent at the agency? Don't they come after it, in other words?—A. No. The agency is a long ways from the Indians down at this end of the valley, and we pay through the agent at Toppenish. Probably half and half; half at Toppenish and half at the agency.

By Representative CARTER:

Q. What do you mean by 1,100 being on the schedule, Mr. Carr?—A. I mean 1,100 selections have been made since June, 1910, and not reported to the commissioner for action.

Q. And then what do you mean by the 300 others of which you spoke?—A. The 300 are those where their right to allotment has not been determined entirely. There are probably one-half of those that have been passed upon favorably.

Q. But you have 1,100 that have been passed upon favorably and placed upon the schedule; is that what I understand?—A. Approximately 1,100, less some few cases, 75 or more, that have been recently assigned.

Q. Is it customary for applications to be delayed for over three years, as these have been?—A. My familiarity with the allotting work has been somewhat limited, but I would think that it would be for the best interest of the service to schedule them as rapidly as possible.

Q. Do you know of any reason why these certain specific ones have been delayed?—A. I have no knowledge of any particular reason why they should have been delayed.

Q. Well, tell me something about the procedure for enrollment, Mr. Carr. How are the applications first made? A. The right to enrollment is passed upon by the superintendent of the reservation.

Q. Well, but what is the first step toward making an application?—A. The person seeking an allotment must come to the agency and show qualifications to receive land on this reservation, and those qualifications must go to show that he has Yakima blood or is a member of one of the tribes mentioned in the treaty.

Q. Does the same man who does the enrolling do the allotting?—A. Oh, no. The enrolling, that is, the passing upon the eligibility of an applicant, is done under the superintendent of the reservation, while the field work of allotting is done under a special allotting agent.

Q. Does this field agent who accepts applications, does he hold a kind of court and swear witnesses and take testimony as to their right to be enrolled?—A. In some cases the application must take the form of an affidavit. Where the person to be allotted is the child of an enrolled member and the parent presents the child there is very little to do, in fact nothing, but to establish the identity of the child and the parent, which of course establishes its right and a history card completes the transaction.

Q. And there is no reason why that kind of an application should not be finally acted upon within a term of 60 or 90 days?—A. No immediate reason I can think of; no, sir.

Q. Now, as to controversy cases. Does he cross-question the witnesses as to these affidavits they make about the right of the applicant?—A. Those applications taking the form of an affidavit are supposed to show the degree of blood of the applicant and give the names of two persons, enrolled members of the tribe, who know the applicant to be related in such a way as to be entitled to enrollment. That information is brought out through questions.

Q. Are affidavits only taken from members of the tribe?—A. They are taken from applicants, other than children of enrolled members.

Q. I mean is no other evidence competent except that given by members of the tribe?—A. Oh, yes. Any evidence that would tend to show the applicant was eligible would be competent as evidence.

Q. Well, can an applicant be admitted to enrollment without the evidence of some member of the tribe that he is entitled to enrollment?—A. I don't think so; no, sir.

Q. Do the applicants ever have attorneys?—A. Not to my knowledge, not unless it would be some—no; not to my knowledge.

Q. I passed a tract of land down on the Wapato project the other day and one of the gentlemen who was with us told us or pointed out certain portions there that he said some lawyer in Seattle had acquired by reason of having had placed upon the Yakima rolls two Puyallup Indians. Do you know anything of that case?—A. Yes, sir. I know in a general way to what you refer, and as I recall, the facts are substantially these; there was some Sound Indians who came over here and applied for enrollment; their applications were denied by the commissioner and by the department, whereupon they immediately got an attorney to present their claims, and ultimately their right to an allotment was approved, and they were given land over here.

Q. Who did he present their claims to?—A. Oh, the details I can't tell you. It happened before my time, and I have never had occasion to look it up.

Q. You don't know whether it went first to the superintendent or direct to the Secretary?—A. Oh, presumably to the agency, although I can't say.

Q. You don't know whether they were admitted by an administrative officer or by a special act of Congress?—A. No; I do not.

Q. Well, you don't know if anyone represented the tribe in that case either resisting the enrollment?—A. No, sir; I do not.

Q. You do not know whether evidence was taken on both sides as in a regular case or not?—A. I do not. Those allotments were approved some time ago, some few years ago.

Q. What does the tribal council have to do with allotments?—A. The tribal council is a body of members of the different tribes on the reservation who pass upon the eligibility of applicants for enrollment, and the weight of their action is simply as to their views as to whether or not they think the people should come.

Q. Have they any regular procedure about it? Does the tribal council act first or does the superintendent act first?—A. The tribal council acts first, and the superintendent has heretofore presided over it and recorded the action of the council.

Q. The tribal council acts first, then the superintendent acts?—A. Yes, sir. In submitting the findings of the tribal council the superintendent makes a recommendation with the facts, either approving or dissenting.

Q. And the Secretary of the Interior takes the final action?—A. Yes, sir.

Q. It is not conclusive until he acts?—A. That is right.

Q. Has there ever been any disposition on the part of the tribal council to prevent the enrollment of bona fide claims?—A. Not to my knowledge—what I consider bona fide claims: no, sir.

Q. What is the value, average value, of an allotment on the Yakima Indian Reservation?—A. The values would range from twenty to one hundred and forty or fifty dollars. The average selling price for the past few years has been in the neighborhood of \$60 an acre.

Q. Well, I said of *an* allotment.—A. The average price of an allotment?

Q. Yes.—A. Well, there would be 80 acres, and at \$20, would be \$1,600. The range would be pretty high there.

Q. Well, now, Mr. Carr, do you know where these applications of these 1,100 people were during all this long delay of three years—what the status of them was at that time?—A. No; I do not. I had no information as to those selections at all. The agency maps show only the 3,169 approved allotments, and if I wanted any information with respect to any of those selections, I had to write to the allotting agent to get it. The reports that he submitted were nothing more than a summary of the expenditures and number of allotments made for the month. There has been no schedules of selections until this month.

Q. Well, I presume from what you have said they have been in the office of the Secretary of the Interior since 1910?—A. Oh, no; they have been in the hands of the allotting agent. He has been working on them all that time.

Q. I have not got it straight in my mind whether the allotments have been approved or not as to these 1,100 allotments.—A. The rights to those allotments have been approved; the selections have been made, but even after that the schedule must go to Washington, and that schedule must be approved before the Commissioner of the General Land Office would be authorized to issue a patent.

Q. So their rights have been established?—A. Yes, sir.

Q. But their selections have not been approved?—A. That is it.

Q. The delay then has been more with the allotting agent——

A. All the delay has been with the agent; yes.

Q. Than with the department?—A. There has been none in the department.

Q. The enrollment has not yet been approved by the department?—A. That is correct. The enrollment—you mean the selections of the land?

Q. No; I mean the enrollment.—A. No; then you are wrong, Mr. Carter. The right to the selection has been approved by the department in all these 1,100 cases, but——

Q. Wait just a moment. That was the question that was submitted to the department in 1910, the right to enrollment?—A. 1910 and 1911, and even my council of November, 1912.

Q. At that time the question was submitted as to their right to enrollment?—A. Yes, sir.

Q. That was approved?—A. Yes, sir; their right to enrollment was approved.

Q. But their allotments have not yet been approved?—A. That is correct. The actual descriptions of the lands allotted to each one have only been scheduled these past two weeks in order for selection for schedule for final approval.

By Representative BURKE:

Q. Mr. Carr, this letter you wrote to Mr. Abbott in January, 1913, the letter written at The Dalles January 11, 1913, what did you do with it?—A. I mailed it.

Q. Where did you mail it?—A. Right there at the hotel.

Q. Addressed to him?—A. Yes, sir.

Q. Personally or officially?—A. It was addressed to him as acting commissioner.

Q. In care of the department?—A. Yes, sir.

Q. Have you any knowledge that that letter ever reached Mr. Abbott?—A. I have no evidence; no, sir.

Q. Have you reason to believe it did?—A. I have reason to believe it got there, because it was not returned to me at all.

Q. Have you any knowledge as to whether or not Mr. Abbott would have any reason for favoring Mr. Miller by suppressing such a report?—A. Oh, I have no knowledge that he would do that; no, sir.

Q. Do you know whether he knew him personally or not?—A. I doubt if he did. Mr. Miller has a good many friends in the service, but I don't think that he knew Mr. Abbott personally.

Q. Well, would such a letter as you wrote Mr. Abbott only be opened by him when it was received?—A. I would think so; yes.

Q. Because it was marked "personal"?—A. Yes, sir; that would be the logical conclusion.

Q. Was there anything in your letter that suggested that when he acknowledged it he address you in a way that would prevent Mr. Miller from seeing the letter that he might write?—A. Nothing in my letter to suggest such a course to him; no, sir.

Q. When mail is received at that agency, is it opened?—A. All except that marked "personal"; yes, sir. That is held for me.

Q. Then if Mr. Abbott had written to you and you had been away Miller might have gotten the communication?—A. If the envelope had not been marked "personal" and I had been away he would have opened the mail; yes, sir.

Q. How much individual money have you got belonging to Indians of the Yakima Tribe?—A. About \$180,000 now.

Q. Is that deposited in local banks of the State of Washington?—A. Yes, sir.

Q. What rate of interest do you get upon it?—A. I wanted to call that up because the statement was made the other day that we got a minimum of 2 per cent and a maximum of 4 per cent, while in fact on checking accounts the lowest rate we receive is 3 per cent and the highest rate on time is $5\frac{1}{2}$ per cent, one of the banks paying 3 per cent and three of them paying 5 per cent on time.

Q. Have you got some contracts where lands have been sold of deceased Indians for balances on the purchase price?—A. Deferred payment plan?

Q. Yes.—A. Yes, sir.

Q. What rate of interest do they draw?—A. Those deferred payments draw 6 per cent.

Q. I wish you would tell us for our information how the Indian Office determines what the needs of this agency are or will be for the coming fiscal year.—A. Well, for the coming fiscal year they directed me to submit estimates, and said I must keep my estimates within a certain figure. Well, that covers my needs in so far as I can make that money go.

Q. Then, if I understand you, the Indian Office first advises you to submit estimates, stating you must keep your expenditures within a limit which they indicate?—A. Yes, sir. In calling for the estimate they told me I could not exceed the allowance for the previous year; that I must keep my estimates within that figure. They gave me the opportunity of submitting my needs, but entirely outside of the amount specified and theretofore allowed—what I thought was absolutely necessary to be put up as supplemental to the original estimates.

Q. Are you required in your estimate to submit in detail just what your needs are?—A. This year they required an analysis of the estimates; yes, sir.

Q. Did you include the amount necessary for repairs?—A. Yes, sir.

Q. When was those estimates submitted?—A. I made that analysis early in the summer, about the middle of July. My recollection is they had to be in the office by the 25th of July.

By Senator TOWNSEND:

Q. One question more in reference to that letter. Do you have any knowledge as to whether Abbott was in his office attending to his duties during the first half of January, at the time your letter would have been liable to reach him?—A. No; I can't say that I have. I don't recall either way, Senator. I did not know of his absence or I would not have written, I presume, until he was there.

By Representative BURKE:

Q. Do I understand that you have a practice on this reservation of paying to certain Indians from individual moneys to their credit a certain amount monthly?—A. Yes, sir. In case of the older people, and some cases where the sales were made for the purpose of getting funds for their support, particularly, they are paid a monthly allowance, but before that is done we must get authority, the request for which contains all the available information of the circumstances of the Indian, from the Washington office.

Q. There is no law that recognizes a sale by the children, or with reference to minors, in order that the money may be used for the support of the minor, is there?—A. Not that I know of.

Q. That practice is not indulged in?—A. No, sir.

By the CHAIRMAN:

During the course of the examination the question was asked about the air space required for each pupil in the boarding school. Inspector Linnen has handed me the rules for the Indian school service, which provide "dormitories must supply 500 cubic feet of air space for each pupil accommodated. To determine cubic contents, dormitory rooms must be accurately measured. Rooms measuring more than 12 feet in height will be considered 12 feet only; floors and dining rooms are to provide 12 square feet for each pupil; school rooms must provide not less than 210 cubic feet of air space for each pupil.

By Representative BURKE:

Q. Mr. Carr, in relation to the sale of liquor on this reservation; you spoke of a representative having been here on one occasion. Has Mr. Larson, the superintendent, visited the agency?—A. He conferred with me very recently in North Yakima.

Q. Was he here for the purpose of conferring with you in regard to the conditions upon this reservation?—A. I understood he was; yes, sir.

Q. Did he take up with you the necessity for action in order that the conditions might be corrected?—A. Yes, sir.

Q. And did that contemplate his sending someone here at an early date?—A. I understand that he proposes doing so just as soon as he can get some man to come in.

Q. These applications for enrollment, I understand you to say, have been approved by the department; that is, the question of the right of allotment?—A. Yes, sir; that has been passed on.

Q. Does the department reject applications for enrollment after they have been approved by the tribal council and recommended by the superintendent?—A. Oh, yes, sir. The final decision rests with the department.

Q. Now, how long have these cases, so far as you know, or any of them, been in the hands of the allotting agent after the approval by the department of the right to enrollment?—A. And before any selection was made?

Q. Well, as I understand it, after these applications for enrollment were made, do they first go to the department before they are submitted to the allotting agent?—A. Oh, yes, sir. They go to the department for action first, that is, in that class of cases requiring departmental action. In the cases of the children of Yakima parentage they do not need to go to the department; they go direct from me to the allotting agent.

Q. What I am trying to get at is, have applications that have been approved been in the hands of the allotting agent for the purpose of making the allotment, without any report, for a period going back to 1910?—A. Yes, sir. There have been such cases—in fact, there has been no schedule of selections since the allotting was started, and I understand you to mean the report to be the schedule that I refer to.

Q. What I am trying to find out is if the Indian Office would permit an allotting agent to go on for the period of three years supposedly in making allotments without making any report in regard to the progress by submitting allotted cases?—A. I think he made a progress report, Mr. Burke; the information on which consisted of the amount expended and the number of selections made; but I believe that is all the progress report consisted of.

By Senator TOWNSEND:

Q. I think the population of the reservation has been put both before this committee and the other one.—A. 3,076.

Q. That is the number of Indians?—A. Yes, sir.

Q. Then you say there has been 3,169 allotted, 1,100 applications, and 300 and something else?—A. Yes, sir.

Q. Does not that mean about 5,000 Indians?—A. That would total in the neighborhood of 4,500, but they can be accounted for by the fact that a good many are dead. We have estimated our heirship cases out here to be about 1,000.

By Representative CARTER:

Q. I believe you stated that something near a hundred applications had been approved and allotments made, and the allotments were afterwards cancelled?—A. I have understood from the allotting clerk that the action of the department recently declined the right to an allotment in approximately a hundred cases, where tentative selections had been made by the allotting agent.

Q. Do you know on what grounds that was done, Mr. Carr?—A. I do not. I have not had an opportunity to examine the departmental action, and I have not conferred with the allotting agent.

Q. Well, didn't it take just the same amount of care and work to make those 100 allotments which have been cancelled as it did to make the others?—A. I would think so; yes, sir.

Q. So the cost of that has been completely lost?—A. That would be the result unless other applicants would be ready to take paper allotments. That would not be the rule because the Indians as a rule, want to see the allotment they are given.

Q. What do you mean by "paper allotments"?—A. Off of a map, selecting that given somebody else, and giving it to them right off the map.

(Witness excused.)

The Joint Commission to Investigate Indian Affairs assembled at the Commercial Hotel, North Yakima, Wash., at 9 o'clock a. m., the 1st day of October, 1913, the chairman and Mr. Stevens being present, and proceeded with hearings as follows, to wit:

STATEMENT OF RALPH H. LORD, CHELAN, WASH.

RALPH H. LORD, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. What is your name and business?—A. R. H. Lord; real estate.

Q. Where do you reside, Mr. Lord?—A. Chelan, Wash.

Q. How long have you resided in the State of Washington?—A. Twenty-four years.

Q. Do you know the Wapato Irrigation Co. of the State of Washington?—A. Yes, sir.

Q. Where are its operations?—A. In Chelan, Chelan County, Wash.

Q. What is the nature of its service?—A. Having an irrigation ditch and reclaiming arid lands.

Q. What area is it designed to irrigate?—A. Seven thousand acres.

Q. Among those lands to be irrigated are there any Indian lands?—A. Yes, sir.

Q. What is the area of Indian lands embraced within the Wapato irrigation project?—A. I should think about 5,000 acres—between five and six thousand.

Q. This project is to be distinguished from the Wapato project on the Yakima Indian Reservation?—A. Oh, yes.

Q. It is entirely separate and apart from that and has no connection with it?—A. Entirely separate. It is in Chelan County.

Q. Do you know when the Chelan-Wapato Irrigation Co. was organized, or about when?—A. You mean the Wapato Irrigation Co.?

Q. Yes; I refer to it as the Chelan-Wapato to distinguish it from the project on the Yakima Indian Reservation?—A. Yes; I do not just remember the year.

Q. Do you know the principal stockholders?—A. I do.

Q. What are their names and residences?—A. M. F. Backus, of Seattle; and LeRoy Backus, his son, of Seattle; and Joshua Green and J. A. Swallow, also of Seattle; and W. G. Swallow, of Everett, Wash.

Q. Have you had any connection with this company or rendered any service to it?—A. Yes, sir.

Q. State when your connection began and the nature of your employment and the character of services that you rendered.—A. I entered into a contract with them on March 27, 1909, whereby I was to sell to them certain lands that I owned in the vicinity of this proposed project, and my employment was to purchase the lands from the Indians for them.

Q. As an agent for the company?—A. Yes, sir.

Q. Did you make purchases from the Indians for the company?—A. Yes, sir.

Q. And reported them, and were they consummated?—A. Yes, sir.

Q. I believe that you now are engaged in some litigation growing out of some employment with the company?—A. Yes, sir.

Q. And this litigation is pending where?—A. In the supreme court of the State.

Q. What was the judgment of the court below?—A. I got a judgment of my claim in full.

Q. Do you know whether or not a bond was executed by the irrigation company in connection with the furnishing of water?—A. I know only by hearsay.

Q. You have never seen a copy of the bond?—A. I never have.

Q. Do you know where that bond purports to have been filed?—A. In Washington.

Q. With the Bureau of Indian Affairs, Interior Department?—A. Yes, sir.

Q. You can not, of course, state the substance of the bond nor furnish a copy of it?—A. No, sir. I will say, in connection with that,

that it was my understanding that they were to furnish this bond as a further protection to the Indians, and I so used that as influence with the Indians in dealing with them to induce them to sell their lands.

Q. From whom did you obtain that understanding?—A. From the officers of the company and the Indian agents that were sent out there.

Q. Were you instructed by the officers of the company and the Indian agents to make those representations to the Indians in order to secure the land for the company?—A. Yes, sir.

Q. As a part of the consideration or inducement to the sale of the lands it was represented that a bond would be executed for the faithful performance of the conditions of the contract relating to water?—A. Yes, sir.

Q. Are you informed as to whether the bond was, in fact, made and filed or cash in lieu of a bond deposited?—A. Well, that is hearsay again, but I have been informed that such a bond was made and it was in the nature of a cash bond, and that the company put up a certified check for the amount, \$50,000; and I was also informed later by some one of the Indian agents that the check had been cashed and the cash was now being held.

Q. Now can you explain the nature of the contract, in a general way, made with the Indians regarding the sale of their lands and the placing of water on the reserved portions of their lands?—A. I can give you a rough idea of what the instrument was that I used for them to sign. It was called a consent. They did not sell their land to me or to the Wapato Irrigation Co. or anyone else, but they simply signed an instrument that was called a consent. "We hereby consent to the sale of our land"—certain portions of them, describing the amount of land and upon the terms and the prices that they were to receive, and in this instrument it states that the person so buying this land shall furnish to the Indian water right for his retained land, not to exceed, or not to be less than, 80 acres and not more than 80 acres, of $1\frac{1}{2}$ acre-feet per season.

Q. Have you a copy of this so-called consent instrument that was taken from the Indians?—A. Yes, sir; I think I have a copy of all of the consents that were signed.

Q. Have you it with you?—A. I have not.

Q. Will you furnish them to me at your earliest convenience?—A. Yes, sir.

Q. To be attached as part of your evidence?—A. Yes, sir.

Q. Then, as a part of the consideration expressed in this instrument, authorizing the sale of a portion of their lands, it was provided that the Indian should be furnished by the purchaser with water on his reserved 80?—A. Yes, sir.

Q. Do you know whether contracts were entered into by the company for the furnishing of water, called water-right contract?—A. Yes, sir.

Q. Have you seen copies of those contracts?—A. Yes, sir.

Q. Were those uniform in form?—A. Yes, sir.

Q. Now, if that contract specified that water should be furnished to the Indians to irrigate their reserved tracts by the 1st of June, 1913—is that right?—A. No; 1911.

Q. Can you state from your own personal knowledge whether that provision of the contract has been complied with by the company?—A. None of it was complied with on the date.

Q. There was a breach in that condition of the contract and no water was supplied on the 1st day of June, 1911?—A. No.

Q. Can you say whether it has been since fully complied with, or complied with in any part?—A. In part it has.

Q. Do you know to about what extent?—A. I think there is now about, possibly, 150 acres of the land, of the total amount of land, that is covered by these water deeds that there has been water furnished to.

Q. Do you know the total amount that is covered by the water deeds, or about?—A. Seven hundred and twenty acres.

Q. Then, if I understand you correctly, only a small portion of those lands embraced within these contracts have been supplied with water?—A. A very small portion.

Q. After these water-right contracts were made with the Indians and after you had taken their contract, which you call consent contracts, providing for the sale of a portion of their land, were you permitted by anyone to undertake to secure the consent of the Indians to a revision of the bond and water-right contract?—A. I was not asked to do that.

Q. Was any request made of you concerning it?—A. No; there was not.

Q. What happened about that?—A. Some members of the company, together with an Indian agent representing the Interior Department, came there and made that proposition to the Indians themselves, and the Indians consulted with myself and other of my associates there. That is the way I came to know about it.

Q. Who was the Indian agent, and who were the members of the company, if you recall?—A. W. G. Swallwell, one of the directors and stockholders, and O. H. Lipps, an inspector.

Q. Did you communicate to Swallwell or Lipps, or did they learn, that you had advised the Indians not to consent to the recision of the water-right contract at any time?—A. Yes; they learned it at that time. We had a number of conversations about it.

Q. Was it explained to you the purpose and reason for this attempted recision?—A. Oh, they gave a number of reasons why they thought the arrangement was a good thing for the Indian. Mr. Lipps said that the Indians' water deed provided for the furnishing of water from the 15th—is it the 1st or 15th of June?—sometime in June anyway.

Q. And that this provision ought to be changed in the interest of the Indian?—A. Should be changed to begin April 15 and continue over a little longer period. He thought that arrangement would be a good thing, and we had quite an argument about that. I have had some experience with irrigation in this State, covering a good many years, and particularly in that locality, and I knew from personal experience that we did not use water earlier than in June, except it might be for some little truck garden, but for crops and orchards we do not use water any earlier than that, not even if it is right in the ditch we would not put it on our land.

Q. Did you see a copy of the contract that they proposed to have the Indians sign in lieu of the then existing agreement?—A. Yes. I had a great many of them.

Q. Have you a copy of that contract?—A. I have in my office; I haven't any here.

Q. Would you mail it to me at once to Seattle, care of the Washington Hotel?—A. Yes, sir.

Q. And copies of all these instruments that you have?—A. Yes. I will say that those were not executed copies.

Q. I understand.—A. They were merely carbon copies that I kept for my own office files. They are the carbon copies of the originals the Indians signed.

Q. Did some of them sign it?—A. No; not the copies. I am referring now to the consents.

Q. Well, have you a copy of this agreement that they wanted to substitute for the water-right contract?—A. I have copies of the water-right contract that the white people were buying water under, and that is the same one that they wanted to give to the Indians.

Q. Well, I assumed so; but what I want to do is to get that copy.—A. Yes, sir; I will send it to you.

Q. Wherein was this proposed contract that they wanted the Indians to sign, so as to rescind, in your judgment, the existing contract, detrimental to the interest of the Indian, in your opinion?—A. Well, there were a number of reasons why it was not as good for them.

Q. Just state what they are.—A. First, under the water deed that they want they are not liable for any damages that occur from the breakage of the company's dams or ditches or reservoirs, and they would be under the other one, but mainly because under this water deed that the Indian now holds the company is bound to furnish them water, abundant water, $1\frac{1}{2}$ acre-feet of water, continuously for all time upon their land, and the only liability or expense they have is in maintenance fee, in 1916, of \$1.50 per acre, and under the new arrangement eventually the company would sell out this land and the water company would have sold out its water, and the Indians then would be stockholders in this irrigation system up there, and it is built in a mountainous country, where a great many miles of board flume, which only lasts for a short period of years, is used, and when that has decayed it has all got to be replaced at an enormous expense, and the Indian would have to bear that expense.

Q. So that under the new contract the final burden of maintaining the system would fall upon the Indian, in part, whereas in the first contract the burden was on the company?—A. Entirely, excepting a maintenance fee of \$1.50.

Q. Did you discuss these features of the respective contracts with the Indian inspector, Mr. Lipps, and with the representatives of the irrigation company, and call their attention to wherein the new contract would work to the detriment of the Indian?—A. Oh, yes; the hearings were all held in my office.

Q. What hearings do you refer to?—A. Well, the conference there—they call them a conference with the Indians.

Q. Was any testimony taken?—A. Yes. Yes; but that meeting was not held in my office. After they found out my attitude in the matter, why, they were not so friendly toward me, and the meeting in which the hearing was held, where they took testimony, was taken to the town hall. I was present, however, at that meeting.

Q. Did you have any correspondence with the representative of the Bureau of Indian Affairs or the Interior Department with reference to this matter?—A. Personally, you mean?

Q. Yes.—A. No; I never wrote any letters to them.

Q. Did they write you any?—A. No.

Q. If the new contract had been entered into with the Indians, would it in all probability have relieved the irrigation company from any liability on the cash bond for \$50,000 which they had put up?—A. Well, that was the understanding.

Q. That was one of the purposes of taking the new contract?—A. Yes; that was one of the conditions.

Q. And if I understand you correctly, there had been already a breach in the conditions of that bond, and damages had actually accrued to the Indians?—A. Oh, yes; unquestionably.

Q. So in addition to making a new contract, which would have imposed new and onerous conditions on the Indian water users, they would have been deprived of the right to recover damages for breach of the old contract if they had signed this new one?—A. Yes, sir.

Q. Now you may state whether or not this controversy was continued for some considerable time and whether it became sharp and pointed as between yourself and others claiming to stand for the rights of the Indians and certain agents of the Indian Bureau and others representing the irrigation company.—A. Yes. It continued over a period of several months, and while prior to that time my relations with all of the Indian Department and the Indian agents had been very, very friendly, and I had been doing business for the Indian agent at Colville for a great many years, and he always communicated with me when he was coming there and requested me to meet him, and I always did so—he was an old man and crippled somewhat, and I took him out over the country when I used to have teams, and later with my automobile, but after this matter came up, why, they did not seem to like me so well, they were not very friendly with me, and they quit coming to my office or holding their conferences there as they had been doing over a period of five to ten years.

Q. Did you have any controversy with anyone representing the Bureau of Indian Affairs or purporting to?—A. Well, the only real controversy I had, if it can be called such, a man came into our office and said that he was in the Secret Service of the Interior Department and said he wanted to see me and got into my back office, and when he got in there, why, he said to me that information had come to his department that an Indian had got a bottle of whisky in that room on the 9th day of April last—that was the way he started off. Of course, I didn't like that very well and I told him that it was a lie, and he went on to state that he had gotten the information very direct, and then I asked him what his official position was. He said he was from the Secret Service, and I asked him for his credentials and he said he had them, and he convinced me that he was a properly clothed officer.

Q. What was his name?—A. He gave me the name of Crowder, but I heard he had given the name of Bartley at Wenatchee.

Q. Well, as a matter of fact, do you know if he was in the employ of the Government or merely representing some one else?—A. Well, I went then, after I had had this talk with Mr. Crowder and he had left my office at my request—I was very angry—I went then or

started to go down to the hotel to see Maj. McLaughlin, an inspector from the Interior Department, who was then in town, to find out if he was a party to this visit. It occurred to me that these people sought to suppress me in some way; keep me from talking; scare me to let the Indians alone, as they said I was influencing them and they wanted to get them away from my influence; and on my way down to the hotel I met Maj. McLaughlin on the street. He was on his way to my office, and I spoke to him very sharply; and he said not to get excited; and we walked down to the office together, and he convinced me that he did not know anything about this man being there; that he was not responsible for him in any way. He knew the man; said he was in the Secret Service, but further than that he knew nothing about his being there, and told me if he annoyed me to kick him out of my office. But prior to that, though, I had requested him to go, and he had gone.

Q. Do you know of anything else you want to state?—A. I do not think of anything else just at this time.

Q. In acting as advisor to the Indians in connection with this proposition to take a new contract and rescind the former one, were you employed by anyone?—A. No; I was not.

Q. In what capacity were you acting?—A. I was simply advising them as a friend. To qualify my position, I had been the purchasing agent and I was a party to the transaction that led up to this water deed, their getting this water deed, and I represented in just as strong terms and just as persuasive terms as I could to them that this transaction of selling and deeding the 80 acres of land and taking a water right for the retained 80 acres was the very best thing they could do, and I used all my influence and strongest persuasion to get them to do it, and when they would say to me, "I don't believe the company will ever put the water on this land," why, I would say, "They have got a \$50,000 bond, the money is all right, and if they don't do it the department will compel them to do it, and they will render you full payment for your damage if they do not do it."

Q. Then your motive was to render the Indians who had served you in that proposition substantial service and not for profit to come to you?—A. Oh, no; there was no profit to come for it.

Representative STEPHENS:

Q. Was any of this Indian land under ditch before?—A. No.

Q. This was a scheme of a corporation then?—A. Yes, sir.

Q. What was the name of the corporation?—A. Wapato Irrigation Co.

Q. In what State was it incorporated?—A. State of Washington.

Q. Is it still a live corporation?—A. O yes.

Q. And they agreed to furnish water under the conditions you have mentioned to the Indians?—A. Yes, sir.

Q. You advised the Indians to accept the terms?—A. Yes, sir.

Q. And when they failed to put the water on according to the agreement made advised the Indians not to change their original contract?—A. Yes, sir.

Q. But to stand by it for the reasons you have indicated in your testimony?—A. Yes, sir.

Q. And for that reason you think you were persecuted by the department, through agents and persons sent here?—A. Why, I hate

to make any statement I can't prove, but I was telling you how I felt at the time.

Q. You felt that you were being—A. Yes, I did; because the friendly relations between myself and the different departmental officers that came here and that resided here and had been in the State for a number of years certainly changed, and they were not friendly to me any more.

Q. That led you to believe then and now that there was collusion between the agents sent here and this company that agreed to furnish water under the conditions you have stated to the Indians?—A. Well, that is putting it pretty straight. I don't know that there was, but I—

Q. Have reasons to believe it?—A. Well—

Q. As you have stated?—A. Yes, sir. They were very anxious to get the Indians to accept this change for the company. They were constantly in company with the officers and stockholders of the company and were coming to Seattle and visiting them and doing everything that they could to assist the company in getting this change made, and they quarreled with me very severely upon the attitude that I took. They said that I had a quarrel with the company because they had not paid me in accordance with my contract and that I was sore, and, of course, I couldn't dispute being sore; every man is when the other fellow doesn't live up to the contract with him, but then I was not doing this to persecute the company at all.

Q. What was your object?—A. Well, my object was to protect the Indians, the men who took my advice, and it was upon my advice and the advice of people associated with me, Mr. Walsh and Mr. Blakney was my working force, to acquire these lands for the company, and we advised them to do these things. Then, we didn't want to stand by and see the company rob the Indians. That's just the way to put it, because that's just what they would have been doing if they had given this worthless contract for a good water deed.

Q. Have they ever signed this contract or any other similar contract since?—A. The Indians?

Q. Yes.—A. No, sir.

Q. They have refused to do it?—A. Yes, sir.

(Witness excused.)

STATEMENT OF JOHN WALSH, WENATCHEE, WASH.

JOHN WALSH, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. State your name and residence.—A. John Walsh; Wenatchee.

Q. How long have you resided at Wenatchee?—A. Well, right at Wenatchee, six years.

Q. Where did you formerly reside?—A. Chelan. I resided at Chelan 18 years.

Q. Are you familiar with this irrigation project under control of the Wapato Irrigation Co.?—A. Yes, sir.

Q. You are acquainted, I presume, with the promoters of this company?—A. Yes, sir.

Q. Did you have any connection with the organization of the company, or did you render them any service? A. Well, purchasing the lands—I helped to purchase the lands.

Q. Who were you associated with in that service? A. Mr. Lord.

Q. The gentleman who has just testified? A. Yes, sir.

Q. What did you do? A. Well, there were three Indians that would not do anything until I told them—told them what to do.

Q. What were their names? A. Johnnie Abraham, Youkein, and Amena's widow.

Q. You induced them to agree to a sale of a part of their lands? A. Yes, sir; to sign this consent.

Q. Did you see the document which they signed, which you call a consent?—A. Yes, sir.

Q. Have you a copy in your possession?—A. No; I have not.

Q. Do you remember its principal provisions, Mr. Walsh? A. Yes, sir. That is, the amount they were to sell and the price they were to get.

Q. Tell what they were.—A. They were to sell all with the exception of 80 acres of their allotment, and they were to receive so much money and the water rights for the remaining 80.

Q. Part of the consideration of the sale of the portion of land to be sold was a water right for the remaining 80 acres?—A. The larger proportion of the price was a water right.

Q. That was so represented to the Indians whom you caused to sign the consent?—A. Yes, sir.

Q. Under whose instructions were you acting? A. In purchasing the land?

Q. Yes; in making these arrangements with the Indians and getting their consent.—A. Acting with Mr. Lord.

Q. Were so-called water deeds executed to the Indians in connection with their lands?—A. Yes, sir.

Q. Have you a copy of them?—A. Yes, sir.

Q. Were they in uniform style and wording?—A. They were all exactly alike. I offer a copy of these water rights as Exhibit A to my testimony and make it a part of the same.

EXHIBIT A.

WATER RIGHT.

This indenture, made and entered into this 20th day of August, 1909, by and between the Wapato Irrigation Company, a corporation duly organized and existing under and by virtue of the laws of the State of Washington, party of the first part, hereinafter called "the company," and Jonny Isadore, commonly known as Johnny Abraham, being possessed of a trust patent for lands on what is known as the Moses Agreement Allotment No. 11, in the county of Chelan, State of Washington, party of the second part; hereinafter called "the purchaser."

Witnesseth: That the company for and in consideration of the sum of one dollar (\$1) and other valuable consideration to it paid by the purchaser, the receipt whereof is hereby acknowledged, and in further consideration of the annual maintenance fee hereinafter agreed to be paid, and in further consideration of the compliance with the conditions hereinafter imposed, does hereby bargain, sell, and convey unto the purchaser a perpetual right to use of water from the irrigation system of the company: consisting of main and lateral canals and other works in Chelan County, Washington, for irrigation and domestic purposes, it being understood and agreed by the company that its successors and assigns, will furnish to the purchaser such water during the time hereinafter mentioned to properly and fully irrigate the lands hereinafter described: *Provided, however,* That the whole amount of water furnished to the purchaser during the entire irrigation season of four (4) months herein specified being

the months of June, July, August, and September of each year, beginning with the first day of June, A. D. 1911, be one and one half ($1\frac{1}{2}$) acre feet of water per acre, said water to be furnished for the purpose of irrigating the following described tract or parcel of land situated in said county of Chelan, State of Washington, to wit:

Beginning at the southeast corner of allotment No. 11 run west on the allotment line 2,640 feet to a stone with a cut cross set for the southwest corner, thence north 2,640 feet to a set stone in the northerly allotment line for the northwest corner, thence south 45 degrees east, along the allotment line 3,733 feet to the point of beginning, containing eighty (80) acres.

That the company shall have the right to make, adopt and enforce reasonable rules and regulations for the supply and distribution of the water among those receiving the same from the company, including the purchaser.

This conveyance is made upon and is subject to the following express terms and conditions:

1st. That the company shall construct and maintain a suitable gate or other device in the bank of its main or lateral ditches for the measuring and delivering of its water, or such gate or gates shall be constructed at such point or points upon or contiguous to the lands herein described as in its judgment is most convenient for the conveyance of said water to or upon the land, said gate to be and remain the property of the company; and the purchaser shall construct and maintain a ditch or ditches from such point of delivery upon such land at his own risk, cost and expense.

2nd. That the purchaser, his heirs and assigns, shall pay annually, beginning October 1, 1916, to the company at its office in Chelan, Washington, on the first Monday in October of each year such sum as shall be ascertained to be the cost pro rata among the respective owners of water rights under the said system of the company, but in no case to exceed two dollars (\$2) per acre per annum, to cover the cost of maintenance hereinbefore agreed upon for the eighty acres owned by the purchaser: *Provided, however*, That whenever said tract of land shall be subdivided in ownership, that each portion will pay its pro rata share of the above amount: *Provided further, however*, That the minimum amount which shall be paid by any such subdivision of such land shall be ten dollars (\$10) each year maintenance fee; and in case of default in said payment for thirty (30) days after the same shall become due as herein provided, the company shall have the right to refuse and may at its option refuse to furnish water to the purchaser until such maintenance and arrearages shall be paid with interest after maturity until paid, and in case an action is instituted to collect such maintenance fee and arrearages, the company may collect such additional amount as attorney's fees as the court may adjudge reasonable.

3rd. That the purchaser will not use or permit the water hereunder furnished to be used on any land except that herein described, nor permit such water to run off on any contiguous land except in surface ditches as herein provided, nor to spread out in low places on said land; nor in any manner to run to useless waste; and shall construct and maintain at its own cost and expense such ditch or ditches as may be necessary to carry any surplus water after the irrigation of said land, back to some lateral of the irrigation system; provided always that said lateral may be reached by gravity flow by a ditch from the lowest point on said described land, and the right of way can be obtained without expense to the purchaser. It is hereby understood and agreed that the company shall not be responsible for any loss or damage by reason of any break, leakage, or overflow of the company's canal or any of its laterals resulting in damage to or upon the land aforesaid, but the company shall use and employ all due diligence at all times in operating and maintaining said canal: *Provided, however*, That nothing contained herein shall exempt the company from the payment of damages to the purchaser resulting from the careless or negligent operation of maintenance of its canal and laterals.

4th. That the company shall not be liable for any scarcity of water caused by unlawful destruction, hostile diversion, forcible entry, unusually cold weather, drought, or other accident, but at all times shall use due diligence in protecting its canals and irrigation system and in keeping the same in proper operation and repair; and that the company may shut off the water each fall at the close of the irrigation season for the purpose of general or special repairs, and at such other times as urgent necessity may require; but during the irrigation season shall restore the water in said canals or laterals as speedily as the nature of the case will permit.

5th. It is understood and agreed that the right hereby conveyed and the water to be furnished in pursuance hereof form a part of the appurtenances of said land, and the right shall be transferable only with said land and shall run therewith, and bind said land, and it is further understood and agreed that upon the conveyance of the land herein described in fee simple to the purchaser, the failure of the purchaser to comply with the conditions herein, or to make the payments for maintenance fee herein

provided when and as the same shall become due and payable, shall entitle the company, at its option, to refuse to furnish a supply of water to said allotment: *Provided, however,* That when the lands herein described shall pass to any other person, the conditions herein set forth shall severally and collectively become a lien upon said land, and a failure to comply with all the conditions herein or to make the payments herein provided shall entitle the company at its option, to foreclose said lien in the manner provided by law, and refuse to deliver water hereunder until such conditions have been fully complied with or the payments made with accrued interest.

6th. Under this indenture the company shall be entitled to a right of way, if necessary, for its main canal, fifty (50) feet in width, necessary ground for the flumes and for laterals, waste ditches or ditches for the disposal of surplus water, as provided for in section three, which shall not exceed fifteen (15) feet in width upon and across the lands herein described.

In witness whereof, the company has caused these presents to be signed by J. H. Ballinger, its agent thereunto duly authorized by power of attorney from its president and secretary, under a resolution of its board of trustees adopted August 10, 1909, a certified copy of which is hereto attached and made a part hereof, this 20th day of August, 1909.

WAPATO IRRIGATION COMPANY,
By J. H. BALLINGER, *Agent*.

(Two witnesses):

J. L. DODGE.
R. F. PUTNAM.

(Approved Sep. 2, 1909: Frank Pierce, First Assistant Secretary.)

DISTRICT OF COLUMBIA, ss:

On this the 20th day of August, A. D. 1909, personally appeared J. H. Ballinger, to me known to be the agent of the Wapato Irrigation Company, a corporation of the State of Washington, which corporation executed by and through him the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was duly authorized by said company to execute said instrument.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

JOHN G. DUDLEY, *Notary Public, D. C.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 14, 1909.

I, R. G. Valentine, Commissioner of Indian Affairs, do hereby certify that the papers hereto attached are true and literal copies of the originals as the same appear on file in this office.

In testimony whereof I have hereunto subscribed my name and caused the seal of this office to be affixed on the day and year first above written.

[SEAL.]

R. G. VALENTINE, *Commissioner*.

APPOINTMENT OF AGENT.

Know all men by these presents, That Wapato Irrigation Company, a corporation organized under the laws of the State of Washington, hereby appoints J. H. Ballinger its duly authorized agent to act for and in all things represent the said company in transaction now pending relative to purchase of certain Indian lands known as Moses allotments, situated on Chelan Lake, near the town of Chelan, State of Washington.

The said agent is hereby empowered to make any changes, alterations on contracts in and for the said company, pertaining to the purchase of above-referred-to lands: and the said company, by its president and duly authorized secretary, does hereby ratify and confirm any and all actions of its agent and vests him with power to bind the company to any agreement he may make with the Government relative to the aforesaid purchase.

[SEAL.]

WAPATO IRRIGATION COMPANY,
By LEROY M. BACKUS, *President*.

Attest:

GEO. S. McLAREN, *Secretary*.

STATE OF WASHINGTON,

County of King, ss.

On this 10th day of August, A. D. 1909, before me personally appeared LeRoy M. Backus and George S. McLaren, to me personally known to be the president and secretary of the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

In witness whereof I have hereunto set my hand and affixed my official seal, the day and year first above written.

[SEAL.]

H. C. FORCE,

Notary Public in and for the State of Washington, residing at Seattle.

SPECIAL MEETING OF THE BOARD OF TRUSTEES OF THE WAPATO IRRIGATION CO.

A special meeting of the board of trustees of the Wapato Irrigation Company was held at 1007 Alaska Building at 3 p. m., August 10th, 1909.

There were present LeRoy M. Backus, M. F. Backus, Leslie Findley, and Geo. S. McLaren, being four of the five trustees of said company and constituting a quorum with full power to act.

Mr. LeRoy M. Backus presided at the meeting. Leslie Findley made the following motion, which was seconded and unanimously passed:

"That the president and secretary of the Wapato Irrigation Company, being LeRoy M. Backus, president, and Geo. S. McLaren, secretary, be authorized and requested to give written authority to Mr. J. H. Ballinger to act as the agent for the Wapato Irrigation Company in all matters pertaining to the purchase of any or all of the Moses agreement allottees located near Lake Chelan, Chelan County, Washington; and that said J. H. Ballinger shall have the authority to sign any papers, instruments, etc., of any nature or kind for the Wapato Irrigation Company, and that the Wapato Irrigation Company shall consider itself bound and controlled by such instruments or papers as said J. H. Ballinger shall sign as the agent and in the name of the Wapato Irrigation Company."

There being no further business, this special meeting adjourned.

GEORGE S. McLAREN, *Secretary.*

STATE OF WASHINGTON,

County of King, ss.

Personally appeared before me Geo. S. McLaren, to me known to be the secretary of the Wapato Irrigation Company, who on oath states that the above is a true and correct copy of the minutes of the meeting of the Wapato Irrigation Company held on the 10th day of August, 1909, at 3 p. m.

[M. P. SEAL.]

H. C. FORCE,

Notary Public in and for the State of Washington, residing at Seattle.

Recorded Sept. 25, 1909, at 1.8 p. m., in vol. 78, page 201.

STATE OF WASHINGTON,

County of Chelan, ss.

We do hereby certify that the above and foregoing is a true and correct copy of the original water right as recorded in volume 78, page 201, records of Chelan County, Washington.

Dated this 27th day of September, 1913, at 5 p. m.

CHELAN COUNTY ABSTRACT COMPANY,
By W. W. GRAY, *Secy.*

Q. Do you know whether or not the provision in this water deed obligating the company to put water on the lands by the 1st day of June, 1911, was complied with by the company?—A. Yes; I know it was not.

Q. Do you know whether it has ever been complied with?—A. Only partially.

Q. Do you know to what extent it has been complied with?—A. Well, about one-fifth.

Q. After these consents were taken by you and Mr. Lord and these water deeds were executed to the Indians, do you know whether any efforts were made by the company or anyone else to secure a recision of the water deed and the substitution of another contract?

A. Yes, sir.

Q. Whom do you know to have been acting in that particular?—A. Oscar H. Lipps, of Lewiston, Idaho, an Indian inspector; and a member of the company, W. G. Swallowell.

Q. Lipps was in what service, the Indian Service? A. The Indian Service.

Q. Have you had any written communications with Lipps about the matter? A. I don't recollect. I think I have had. Unless you have them there, I have not got copies of them. I have here a letter, dated Lewiston, Idaho, October 20, 1911, from O. H. Lipps, supervisor, United States Indian Service, containing a reference to this matter as follows:

As to the Wapato people getting water on their retained lands, in my opinion there is no question about it. The Government will surely enforce its agreement with the company. Inspector Hill has made his report, and I am expecting to hear from the department regarding the matter very soon. I have not looked carefully into the contract the Indians made with the company, but I am of the opinion that the Indians are in a position now to make a new contract which will give them a longer irrigation season, which they should have.

The remainder of the letter is about other matters.

Q. Did you write or cause to be written to the Interior Department or any officer therein on behalf of these Indians?—A. Why, yes; certainly.

Q. Did you keep copies of them?—A. Well, this is a copy here. I did not dictate this letter myself.

Q. Do you know whether it was sent to the department or not?—A. Yes, sir.

Q. Was it?—A. Yes, sir.

(Witness here offers copy of a letter dated Chelan, Wash., May 10, 1912, from Celesta Wapato to the Secretary of the Interior and attaches the same to his testimony as Exhibit B.)

EXHIBIT B.

CHELAN, WASH., *May 10, 1912.*

To the Honorable The SECRETARY OF THE INTERIOR,
Washington, D. C.

DEAR FRIEND: I received a letter from Mr. C. F. Hawke, Second Assistant Commissioner of Indian Affairs, regarding my land and water deed and Mr. Lipps's visit here to confer with us about a change in our water deed and leasing our land to the Wapato Irrigation Co., and I am sending you a copy of the letter I wrote him so that you would know how I feel about this matter. The Wapato Irrigation Co. claims they have done much work and built ditches, but they have no water in them, and they were to build big dams to store the water, but they are not doing that. And I don't want any new contract with them, as I am satisfied with the old one.

And I ask you to help me and give Mr. C. T. Moore the lease on my land.

Your friend,

CELESTA WAPATO.

Q. Have you any other letters or correspondence?—A. I have also a copy of a letter which I know was written by Celesta Wapato to Hon. C. F. Hawke, Second Assistant Commissioner of Indian Affairs, relative to this matter, and I attach this copy as Exhibit C to my

testimony. Further, I have a copy of a letter from Celesta Wapato, dated May 21, 1912, to the Secretary of the Interior, and attach the same to my deposition as Exhibit D.

EXHIBIT C.

CHELAN, WASH., May 9, 1912.

Hon. C. F. HAWKE,
Second Assistant Commissioner,
Washington, D. C.

DEAR FRIEND: Your letter of April 27 received. You say Mr. Lipps has written you that he was prevented from fully explaining the proposed change in my water contract with the Wapato Irrigation Co. for the irrigation of my retained 80 acres.

I wish to say that I fully understood him, and that we had much talk on the subject, and I refused at that time to accept any change in the old contract and do now, as I am satisfied with it, and understood that they were to furnish water for my land and gave a bond of \$50,000 for the faithful carrying out of that contract.

You say the old contract does not provide for a gravity flow, and that we may have to pump the water on the land from their ditches. That was not my understanding, and I trusted to the department to make a good contract, and Judge Allen, who came here and paid me the money that I was to receive and deliver the water deeds to me, told me they were all right, and I trusted him and do yet, and believe everything is all right. You say we should have the water from April 15 to October 15 of each year. I will say that I would rather have it during the hot dry months of June, July, and August, when it is most needed. It is now the middle of May, and no one is using any water for irrigation in this country and will not before June, so we would not gain anything—in fact, I think I would lose by it.

You say the company will make a new bond and use the money they now have up to complete their high-line ditch, and still you say the new contract will be signed by the directors of the company, who are wealthy men; I can not understand that if they have so much money, why they don't do as they agree with us, and why they need the money they put up for our protection in case they did not do as they agreed with us.

You also say the advantages of leasing to the company are many and that they will give a little more than we have leased for; they wanted to lease our lands some time ago and the price we got is the same as they offered us. Mr. Lipps said it would be better for us to lease to others than the company, but we had already refused to let the company have the leases, as we haven't any confidence in their doing what they say they will do, as they have not completed our other contract, and I do not believe in them, even when they have up a bond; we are afraid.

You say that if we lease to anyone other than the company it may cause lawsuits. I can see no reason for anything of that kind if the company will do as they agreed with us.

Further, you say that if we will give the company more time to get the water on our lands it will not interfere with our rights, and they will be the loser if they do not do as they agree. They are not doing as they agreed and they have a bond up. Why should we believe in them in future contracts? I don't.

You say you have written me at length because it is not a time for misunderstanding. I will say that I have given this matter much thought and we have talked it over among ourselves, and have no misunderstanding on our part, but feel that you have, as you state in your letter, that the water deed we have does not bind the company to furnish us water by gravity flow, I would call your attention to paragraph 1, page 3, of my water deed and ask you if you do not think it means gravity flow water.

You also stated that it is understood that the company controls the entire water supply available to water the lands. That is not true, as my lands adjoin Lake Chelan, which is a very large lake, and has plenty of water by pumping, and the highest point on my land is not more than 200 feet above the lake, and other tracts lay much lower and easier to irrigate.

I will say that I understand your letter fully, as it is about what Mr. Lipps said to me when he was here, and I will say that I do not want to see Mr. Lipps again, and have said to him all that I wish to on this subject, but if Judge Allen should come here I would be glad to see him. He is the man who paid me the money for my land and delivered me my water deed and assisted me in investing my money, and I am well pleased with everything he did for me and I feel sure he saw to it that I was well protected, but I will not consent to lease my land to the company under any consideration. You ask that we not swap horses in the middle of the stream, and I think that is a good thought and makes me the more sure I should hold on to my old contract and water deed.

Now, in regard to my leasing my retained 80 acres, I will say I executed a lease dated December 1, 1911, to Mr. C. T. Moore for five years for a yearly rental of \$200 per year, and he was to make improvements to the value of \$300 by planting alfalfa and other crops and irrigate the land, and Mr. Lipps told me at that time the leases were all right and would be approved; later Mr. J. M. Johnson, agent at Colville, wrote Mr. Moore that he would approve them and asked him to give a bond, which Mr. Moore said he would do, and then paid me the first year's rent, \$200, and sent men and teams here and has planted much of the land to alfalfa and other crops, and I am much pleased with the way he is doing with my lands and want him to have the leases and have asked the Secretary to approve them, and which I hope he will do very soon.

Your friend,

(Signed) CELESTA WAPATO.

EXHIBIT D.

CHELAN, WASH., May 24, 1912.

To the honorable the SECRETARY OF THE INTERIOR,
Washington, D. C.

DEAR FRIEND: I am sending you herewith a clipping from the Lake Chelan News, a paper published here in Chelan, containing an interview from O. H. Lipps, which has greatly disturbed me, as I can not understand what he means. You will notice he has said that fully one-half of the Indians lands could have been watered last year, but the Indians did not use it, neither are we making demand of the company for water for the remaining portion. Now, I wish to say that I had 60 acres of my 80 in crop last year, including my 5 acres of orchard, which is in full bearing, and I was expecting the water, but none came. There never has been a drop of water in the ditch that runs across the lower side of my lands, covering about 5 acres of the retained part that was to be watered, the nearest point to my land that water came was about a mile. They did have a little water in one of their ditches that they pumped into it from an alkali lake, but they used all of that for the irrigation of their own trees—about 100 acres that they planted last spring.

This ditch passed through and across my sister's place, but they banked up the gate with earth and did not give her any water, and she needed it badly, as she had 50 acres in wheat, corn, potatoes, beans, and all kinds of crops.

I can not understand Mr. Lipps, as he knows there was not water enough to water all their trees properly, as some of them did not get but very little water during the entire summer, and then their pump was an old thing and was broken down much of the time.

He says further that we are not asking for water for the balance of our land; that is not true, for I have told him many times that I wanted the water, and so have the other Indians within my hearing.

The strange part of it to me is that every time Mr. Lipps has been here lately he has always talked for the interest of the company instead of our interest, when he knew the company has not been working but a very small part of the time in the past year on their irrigation project; all of the reservoirs are yet to be built, and they are not even working on them.

I do not want them to have an extension of time, as we want the water badly, and we paid them in land for it a long time ago, and insist on their delivering it to us as they agreed to do, and we ask that you see to it that it is done.

Your friend,

CELESTA WAPATO.

Q. Did these letters present to the department the viewpoint of the Indians and their friends with reference to the fairness of cancelling the first contract and making a new one?—A. Yes, sir.

Q. Do you know whether or not replies to those letters were received by Celesta Wapato?—A. I couldn't say as to that.

Q. You never saw them if they were received?—A. No, sir.

Q. Which contract, the water deed which you have attached as Exhibit A to your deposition, or the proposed new contract which the Indians were asked to sign, in your opinion, best preserve the rights of

the Indian water users on this project?—A. Well, the first one. That water deed is absolutely the best that could be gotten up.

Q. Wherein does the proposed contract modify or lessen the rights and benefits accruing to the Indians from those secured by the water deed?—A. Well, if they had signed that new contract, why, it would have—they were very poor contracts for the reason that they imposed all the responsibility on the land owners and the burden on them to keep up the ditch, and under the old one they have nothing resting upon them at all.

Q. What justification was offered by those who sought to induce the Indians to sign the proposed contract? How did they claim that the Indians would be benefited by doing so?—A. It spread the water out a longer period. They were not going to give them any more water than the one and one-half acre-feet, but they were going to spread the water out longer in the season.

Q. Do you know from your experience in irrigation in that community that it was necessary to do this and beneficial to put the water on the land earlier than the water deed provided?—A. No, sir. They would not use it if they had it. Between the 15th and 20th of June they generally commence to put the water on the land.

Q. What is the motive or purpose which prompts you to take the course that you have taken and to object to the making of a new contract in lieu of the water deed executed to the Indians?—A. Why, these Indians, when they sold their land, they bought a big block in Wenatchee and I looked after it and have looked after it for 20 years; looked after their property and looked after it just the same as I would for my own children, and I collect their rents and send them their money every month and I hold out 5 per cent commission for collecting their rents.

Q. Well, are you acting in connection with this matter with the expectation of any profit to yourself?—A. No, sir; not a cent. I am money out.

Q. You get money in connection with their improvements?—A. Yes, sir.

The CHAIRMAN. I will state for the record, that I examined Johnnie Abraham when we were there and this was the same statement he made to me then in relation to Mr. Walsh's connection with this matter.

Mr. WALSH. They always consult me. The representatives of the company have had papers there a dozen times in the last year and a half for them to sign, and Johnnie Abraham would always telephone down and say he has got a paper there, that they are going to help them out and get more water—"Will I sign it?" And I say, "No, not until I see it." Of course I never see any of them because they never consult me any more—the company representatives.

Q. Have you ever seen a copy of this proposed contract?—A. No, but I heard part of it read over in a meeting we had in Chelan, which broke up in a row.

Q. Is there anything in it that extends to the Indians any beneficial rights that were not contained in the original deed?—A. No, it is taking better rights away from them absolutely.

Q. And the new contract, in your opinion, was in conflict entirely with provisions for the benefit of the Indians?—A. Yes, sir.

By Mr. STEVENS:

Q. Did the new contract abrogate or set aside the water deed originally given?—A. Set it aside entirely; and at the same meeting they wanted to pull down \$45,000 of the bond and give them the right to use that to help complete the irrigation system.

Q. That was the bond they had given to protect the Indians?—A. Yes, sir.

Q. Which bond was then forfeited?—A. Yes, sir.

Q. And had been for sometime?—A. Yes, sir. I got word from Johnnie Abraham last winter that they wanted him to sign a paper allowing them to amend the Jones bill to sell those eighties to the company.

Q. That was the power of attorney, I presume?—A. No; just sign another consent so he could sell the remaining eighty to the company. I told him not to sign it.

Q. It would be impossible for an Indian to give his consent without the concurrence of the agent, would it not?—A. Yes, sir.

Q. Do the Indians still own the land?—A. Yes, sir.

Q. Who is in possession of the land of those Indians?—A. There is a man by the name of Charles Murray, from Seattle, on them last.

Q. From whom does he get possession, the Indians?—A. Yes, sir.

Q. The Water Company has never had possession and has not now possession of the lands?—A. No, sir.

(Witness excused.)

R. H. LORD—Recalled.

By the CHAIRMAN:

Q. What further contention do you now recall was made by the irrigation company as a justification for making a new contract with the Indians in view of the water deeds?—A. They claimed the old water deeds did not provide for gravity flow of water, and stated to the Indians that they could bring the water to the lowest point on his land; then if he wanted it to flow over the land he could pump it. There was one other point there, which was their contention about the bond. They also claimed that if proceedings were had to forfeit the bond that it would nullify the contract and stop the Indians from securing water for their reserved lands.

(Witness excused.)

Whereupon the commission adjourned until 2 o'clock p. m. Tuesday, September 30, 1913, Hotel Toppenish, Toppenish, Wash.

TUESDAY, SEPTEMBER 30, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Toppenish, Wash.

The commission met at 2 o'clock p. m., pursuant to the call of the chairman.

The following members were present: Senator Charles E. Townsend and Representative Charles D. Carter.

STATEMENT OF CHIEF WATERS.

Chief WATERS, being first duly sworn by Senator Townsend, testified as follows:

By Senator TOWNSEND:

Q. I will ask you some questions. You have answered most of the questions in the other testimony that we want to ask you, but you understand that we have two commissions here to-day; the same men constitute the two commissions, with the exception of one, Mr. Carter, is on this particular commission.

Now, this commission that is in session at this place at this time is one charged, by Congress, with the duty of investigating the affairs of the Indians generally throughout the United States; learning if we can, what the conditions are, in order that we can make a report not only as to the conditions in the field as we find them on the reservation, but as to conditions in the department at Washington.

There has been some feeling that those affairs were not conducted in as businesslike and efficient a manner as might be, so that the object of this examination is to get from those who are here and know the facts in reference to the affairs of the Indians generally, so that some of the questions that I am going to ask you may have been asked you this morning, but this will go in as a separate report.

Q. How long have you lived on this reservation?—A. Since 1859.

Q. How old are you?—A. I am 72.

Q. What is your business?—A. I am a missionary preacher, ordained, Methodist conference.

Q. Do you preach to the Indians here on the reservation?—A. I preach at the Methodist Church, at White Swan, and also one down here.

Q. Do you visit among the Indians on the reservation in their homes?—A. Yes; especially down at this part and down at Satas, down at this part.

Q. Are the health conditions of the Indian homes good and what it ought to be?—A. Some are healthy and some are not—troubles with different diseases.

Q. Are the Indians clean in their homes; are their homes clean?—A. There are some that are very clean in their homes, and some are not, and living like they used to live.

Q. Do you teach them to be clean, or tell them to be clean in their homes when you visit them?—A. Yes; I do a considerable lot, but the original Yakimas, they are hard to understand and they do not seem to mind.

Q. Do the children go to school generally throughout the reservation?—A. First they were hard making to go to school, but here of recent years they have learned so that they have sent their children to school.

Q. Does the education that they receive in the schools make them better men? Does it make them more industrious, self-supporting?—A. Yes, it does. It advances them a great deal; they have learned to cultivate their land and raise potatoes, and sell and make their homes by it, and make a good living.

Q. Does the Indian boy or girl who goes to school come back and live according to the old style that they had before, or can you see

that there is progress?—A. Take the Indians, the original Yakimas, the most of their children come back and go back in the old way, but our people, the Klickitats, they advance. They go ahead, and live as the whites.

Q. How many Yakimas are there on this reservation?—A. I could not say.

Q. Are there more Klickitats than there are Yakimas?—A. Well, they aint really all Yakimas, but they are kind of mixed here; but more go by the name of Yakimas, and consequently there are more Yakimas than there are Klickitats.

Q. Do you see the superintendent of the agency here very often?—A. Not very often, on account of I am quite a ways from the agency. When I used to live up above there, close to the agency, I was quite often up to the agency.

Q. Does the superintendent get over the reservation very much? Does he go over it himself?—A. Not since James Wilbur was the agent. Since James Wilbur's time, the agents have neglected the reservation, have never went over this reservation.

Q. Does the Indian farmer employed by the Government go over the reservation very much?—A. There is another man; the farmer; he don't go over very much, and teach the Indian how to farm. We learned to farm long ago when Wilbur was here; he taught us how to farm.

Q. Doesn't this farmer go into the homes of the Indians over on the reservation very often?—A. I can not say; he may go around among the Indians, but I have never seen him come to my place.

Q. Do they have a field matron here, as they call her, a woman employed by the Government?—A. Yes; I have heard of the field matron also, but she has never come to my place, never taught my wife at any time how to housekeep and cook. My wife went to school, and she learned how to keep house and cook there.

Q. Well, does this field matron go to the other homes of the Indians on the reservation, to your knowledge?—A. Well, that I could not answer definitely on account of I do not pay much attention to her. She probably does go around to places, but I could not say whether she does or not.

Q. Do you hear any complaint here as to the management in affairs by the agency here?—A. We had lots of complaint when Mr. Young was here. He also told me things that did not come out right, but since Mr. Carr has been here I have noticed him to be pretty square.

Q. Do the Indians here have any trouble about getting their allotments?—A. Yes; there has been some trouble. We have an allotting agent here on the reservation now, and there has been selections made where he had refused to give the Indians their selections.

Q. Are the Indians given the right to select their allotments in the first place?—A. Yes, sir.

Q. Well, do the Indians agree among themselves as to what allotments they will take?—A. Yes; they do; they select their own piece; just so it is not claimed they can select it.

Q. Don't they have any trouble among themselves; two Indians claiming the same allotment?—A. No; they don't.

Q. They agree among themselves. Have the Indians complained because their allotments have not come to them as quickly as they ought to have come after they had been selected?—A. Yes; they complained in several cases, and lots of times they have a little trouble over it; that is, waiting, you know.

Q. Was there any conflict among the Indians in reference to allotments when it came to some selecting in the Yakima Valley here and some upon the highlands? A. Yes; there was Indians that selected land which they thought would be allotted to them; they selected land, but when the trust patent came they had a piece some place else.

Q. Were there many of those?—A. Yes; quite a few.

Q. Would you think 160 acres of land up on the highlands was as good as 80 acres down in the valley?—A. Well, I consider it about the same; of course, 160 acres you could not always get the benefit in the way of cultivating it, but some you could plow and you could pasture it to stock.

Q. There is timber on some of the land, is there not?—A. Yes; there is timber on it, but not very good timber. It is dead timber.

Q. When the Indian is sick, or any of his family, does he have any difficulty about getting the agency doctor to come and visit?—A. Well, I don't know about this doctor; prior to this man they sometimes had a good deal of trouble getting him to go any place; that is, any distance from his office.

Q. When the Indian is sick, does he want a doctor here, or does he employ the old Indian methods of cure?—A. No; an Indian ain't so very sick, and if he believes in the Indian doctor he gets an Indian doctor, but generally they employ a white doctor and they just come from the town here and pay; that is, down in this part.

Q. Do I understand you to say that they employ some one other than an agency physician or a contract doctor, who works for the Government?—A. Oh, any doctor; any doctor they wish to employ. Myself I employ any doctor I feel fit.

Q. When a doctor calls on an Indian and tells him what he ought to do for his health, will the Indian follow his advice?—A. Yes; some of us do, but I don't know about the others.

Q. Do you have a sufficient number of schools here on the reservation for the children?—A. Yes; there is the boarding school at the agency, and there is a school at White Swan, and there is several schools on the reservation and here, too, and they seem sufficient for all the children.

Q. Do you think the Indian on this reservation is progressing?—A. Yes; since the schools have taken place among the Indians, and their children have went to school, and they have learned to live in the right way, and have been climbing up all the time, the older people have kind of taken their ways and they are better themselves.

Q. Are there many Indians on this reservation who are so poor that they had to be helped?—A. Yes; there is such cases on the reservation; there ain't very many; there is some very old people that all their younger people have died and have left them alone and they have to be helped.

Q. Do they have any difficulty in getting help from the agency?—A. One time, when I was above on the Toppenish Creek, there is several old people that live there and they have complained to me and

I have went to the agent; have taken their names and their needs and went to the agent, and had him feed them and help them, and they got help then.

Q. Are there very many Indians on this reservation, who, if given their property right out, given a deed for it, a patent for it, would be able to take care of themselves without the Government supervising their property? A. Well, now, in what way do you mean? You mean if we were turned loose, if we were turned loose and we had to live as the whites? Is that what you mean? Had to pay taxes and so forth, live just as any other white man? Is that what you mean?

Q. That is what I mean.—A. No; there is a good many that could not live up to that.

Q. That wasn't my question. I asked you if there were any, or many, on the reservation who could? Not if all of them, but if many could?—A. I could not answer to that; that is, to make a definite answer to that; but I think there is a good many of them would not want to live that way anyhow, because there is some that applied for their deeds and got it, and they have never made a success.

Q. Will the time ever come, in your judgment, when the Indian will be a success if put upon his own resources?—A. Probably so, after awhile; but not very soon.

Senator TOWNSEND. I think that is all.

The WITNESS. If you don't care, I would like to ask a question here: Now, there is a young fellow told me yesterday here, and he wants to find out if there is any truth about it—now, there is some people that have got land up there, especially in this one case, there is a young fellow got a farming piece of land up there; he has been plowing and the reclamation has come and claimed that land since he has been on it and working it.

Senator TOWNSEND. Has it been allotted him?

The WITNESS. Yes; it is allotted land. He had it a long while; long before they came to claim it. He went up and seen the agent, and reported this to the agent, and the agent told him probably the reclamation had a claim on it, but they would get him another allotment.

Senator TOWNSEND. Well, I don't know anything about that. That is the first I have heard anything about it, so I can not tell what there is to it. If the land was allotted him properly I can see no reason why it would not belong to him.

The WITNESS. When these lands were first allotted all over, he was allotted this land; it is improved and he don't like to lose it; and he told the agent he did not think he could get another piece as good, and he did not think he would be satisfied with it.

Q. Where is this land?—A. Some place near White Swan.

Q. Is there a reservoir site upon it?—A. I don't know. Well, there is several proposed sites up there; that is, by the reclamation survey; I don't know the special pieces only I see it on the map; they have a map at the agency on the wall that shows.

Senator TOWNSEND. Just call Mr. Carr in here; we can satisfy this quicker by calling him in. What is the man's name?

A. Hines Waclamet.

DON M. CARR—Recalled.

By Senator TOWNSEND:

Q. Mr. Carr, this witness has asked me a question I can not answer.

Mr. CARR. I will try to.

Senator TOWNSEND. He makes the statement that one Hines Waclamet, if I have got it right, had an allotment assigned to him up near White Swan some place, and that he has been improving it and that the agent went to him some time recently and told him he had to have that piece of land and was going to allot him another. Do you know anything about that?

Mr. CARR. I do not; no, sir. You mean the allotting agent went to him?

Senator TOWNSEND. Went to Waclamet and told him he had to change.

The WITNESS. The reclamation people told him they had a claim on it and for him to go to the agent and see if he could get another piece.

Mr. CARR. It may be that the facts are somewhat like this: That the land is within an area withdrawn as a possible reservoir site. Probably his selection had not been approved, and if anything was said to him by the allotting agent, whom I suppose Mr. Waters refers to, it must have been along the lines of selecting other lands, because of the possibilities that the department would not approve a selection within that withdrawn area, but what the real facts may be, I will have to look it up.

Senator TOWNSEND. Well, you can settle that with the man.

Mr. CARR. Oh, yes.

Senator TOWNSEND. The superintendent will look into that matter and find out about that; I know nothing about it. That is all. Thank you.

STATEMENT OF GEORGE MENINICK.

George Meninick, being first duly sworn by Senator Townsend, testified as follows:

By Representative CARTER:

Q. Mr. Meninick, are you of the Yakima Confederated Band of Indians?—A. Well, I was raised on the Columbia, but my father is out of the treaty signers, and we moved here and I consider myself a Yakima.

Q. Do you belong to the Yakima Tribe itself, or one of the other confederated tribes?—A. Yakima.

Q. Have you selected your allotment?—A. Yes.

Q. Where is it located?—A. Along the Toppenish Creek.

Q. Is it irrigated?—A. Why, the Toppenish Creek runs in through the land, and it is subirrigated land. I don't irrigate it; it is wet land.

Q. How many allotments have you there?—A. Myself and wife and four children that died.

Q. All dead?—A. Yes; six boys.

Q. How much in each piece?—A. Eighty acres in each piece.

Q. Do you get about over the reservation much, Mr. Meninick?

A. Yes; I get over the reservation quite a lot and I am familiar with the happenings.

Q. What do you do? Do you farm? A. Well, farm, raise hay on this subland.

Q. What is it that takes you about over the reservation?—A. Nothing particular, only go visiting from place to place among my people.

Q. Are you one of the chiefs of your tribe?—A. Well, my father was chief and he signed the treaty, and when I became a boy my father died and I grew up, and they all said I would take his place, and I have been so thought of.

Q. Have you observed the condition of the health of the Indians on the Yakima Reservation?—A. Yes, I am familiar with the conditions on the reservation since a boy.

Q. What is the health condition of the Yakimas?—A. Well, since the white people have come in this country and traveled through, and more especially since the railroads came in this country and people came in from different parts and brought different diseases through the country here, and we have been bothered with those diseases.

Q. What diseases are they principally?—A. Well, every other disease you might say—fevers, agues—and all these diseases.

Q. Do you know of much eye disease among the Indians?—A. Yes, there is such diseases; I say there is disease of every kind, I guess, on the reservation, just the same as among the white people.

Q. I would like for you to give me such information as you can as to the number of Yakimas that you know of who are afflicted with this disease.—A. Oh, there is some bothered with that disease, no doubt, but I can not say for sure just how many. I don't write or pay any attention to taking down the number, anything like that, to recollect the number.

Q. Are there any blind people among the Yakimas?—A. Well, there is a few, but I could not say how many.

Q. You don't know whether they went blind from trachoma or not?—A. Well, from some disease.

Q. Do you know how many blind people there are among the Yakimas?—A. I could not say for sure just how many.

Q. If the Federal Government should build a hospital at your agency, do you think your people would take advantage of it and go there for treatment?—A. Why, to my belief, I don't think very many of them would go because when they get sick they like to nurse their own sick, and they nurse them as well as they can. They don't neglect them or anything like that. I would not want to go to any trouble having the Government put up a hospital up there. I know the Government would not put up anything for nothing. The Government won't spare one cent without there is returns somewhere.

Q. Well, it is the purpose of the Federal Government to build hospitals for the Indians wherever they can be of use, to go into them and take advantage of them.—A. Very well, I understand that part, and just as I say, we are able to take care of our own sick. We have never asked the Government for no help, and he has never helped us out no time. When our people die we furnish our own funeral and bury and go to all the expense ourselves.

Q. Then would your people consent to be taken to New Mexico if they were sick?—A. No; I guess not. I don't think even if the person were dying, I don't think they would consent to anything like that.

Q. Is there very much lung disease, consumption, among the Yakimas?—A. Not very much.

Q. Do you know of any?—A. Well, I don't know; there might be one or more, of course; that I could not say for sure just how many.

Q. They are not suffering very much from that disease?—A. It seems that there is none.

Q. Do you know of any conditions on the Yakima Reservation that ought to be brought before this commission?—A. Yes, quite a bit; you can see for yourselves, in case you have not seen just how well the white people are getting along here, say around Yakima, and all around this valley here, and you have heard the Indian's side so far; you have heard just how they are in need, and how they have been handled here, and how they have been defrauded by the whites.

Q. Well, is there very much need among the Indians, the Yakimas?—A. Well, since these ditches took place, and they have been beating us out of our water; we have gotten so we pretty near can not live.

Q. Well, what do you mean by being defrauded?—A. Well, it is principally the water that the white people is getting the best of the Indians, on the water problem. That is the main thing, and also they have run stock on our grazing lands, and our stock have went short of feed.

Q. Whose stock is it that goes on your grazing land?—A. Well, it is the white peoples.

Q. What white people?—A. The neighboring white people that surround the reservation.

Q. Is there no fence around the reservation?—A. No; the reservation is not fenced, but it is well as fenced. We have boundary lines, but they come in the boundary lines with their stock and feed on our grazing lands, and we try to keep them off, and they told us they have paid in money to the agency for the grazing.

Q. Now, who told you that?—A. Well, there is several white people, probably 10 or 15 or 20 of them.

Q. Give me the names of some of them.—A. I am not acquainted with these people that runs their stock over these places.

Q. Well, who was it that told you that they had made arrangements with the agent to put these cattle on the reservation?—A. Well, Myers for one—Cort Myers; he is a sheep man; he runs his sheep over the part he lives there, and he has always told me he has paid for the running of his sheep on this range.

Q. Where does Cort Myers live?—A. He lives here in Toppenish, a little ways out; and Frank Aldridge, he has a lot of sheep.

Q. And they run on the reservation?—A. Yes; he is living on the reservation.

Q. Did he tell you that the agent gave him permission to herd sheep on the reservation?—A. Yes.

Q. Is Frank Aldridge a white man?—A. Yes.

Q. Is he an allottee?—A. He must be an allottee the way he has carried on.

Q. Well, he is not on the Yakima roll as a squaw man, is he?—A. No; he is a banker from Goldendale.

Q. Well, is Cort Myers a white man?—A. Yes.

Q. Is he an allottee?—A. No; they buy land here; that is how they are here. They have bought land here.

Q. Have they bought lands on the reservation?—A. Probably so; that is about the way they get in here. I wouldn't say what, but then I am just talking about the way they have carried on with their stock.

Q. But they both told you they had permission from the agent to put their sheep on the reservation?—A. Yes, sir.

Q. Did they say they paid the agent for that permission?—A. Yes, they claimed they have their money in; now, for several years they have been doing that.

Q. How much did they say they had paid the agent?—A. I don't know, but they have been several years running their stock now; they must have paid him several dollars.

Q. Do you know the Indian farmer on this reservation?—A. The farmer has never been to my place; I never knew him.

Q. Don't you know him when you see him?—A. Well, I have seen the farmer here, but that is all I know of him.

Q. Do you know what the farmer's business is; what his duties are?—A. No.

Q. You have never seen him attempting to teach the Indian about farming?—A. There has never been a farmer to my place; I have never seen him anywhere. He probably has been to some of these other people's places, but I don't know.

Q. Do you belong to the Brotherhood of American Indians?—A. No.

Q. Were you consulted or asked to join this brotherhood?—A. I was asked to, but I refused.

Q. Who asked you?—A. Well, old man Saluskin, for one, and some of the younger people that came back from Washington.

Q. What did they tell you the association would do for you?—A. Well, they told me if I should join the brotherhood they would get so they would handle their own business and handle all their tribal funds, grazing funds, and all like that; that they would handle themselves without the Government's supervision.

Q. Did they tell you that the brotherhood would take the place of the Federal Government?—A. Yes; they told me that if I would join, and all the rest of them here, they would handle all their own affairs. They would handle the ditch and the water, and every other thing.

Q. That the brotherhood would handle it?—A. Yes, sir.

Q. Did they want you to pay any dues to the brotherhood?—A. Well, they asked me to pay a dollar at first, and then finally they wanted 50 cents, but I would not pay it.

Q. Did they want you to sign a contract to let the brotherhood handle your affairs?—A. Well, they wanted me to sign some papers; they wanted me to hold a pen and they would write my name. Of course I could not write, but I didn't want to do that.

Q. You didn't keep one of those papers, did you?—A. No.

Q. Were there very many of the Yakimas joined the brotherhood of Yakima Indians?—A. Probably have.

Q. Well, why didn't you join it?—A. Well, I was a little afraid; I didn't think he would live up to the fee; I haven't got plenty of money to spare that way, pay up my dues.

Q. And wouldn't you trust the management of your affairs to the Federal Government, rather than to the brotherhood?—A. Well, when the Government and the Indians established a treaty, our old people—I don't know whether you were a boy then or not, but it has been some time ago, and they made a ruling of how they would live upon these reservations, and I have always respected that, and I want to live that way.

Q. Did the Yakimas ever have any wars with the white men?—A. Yes, they did; part of them, not all of them.

Q. How long ago was that?—A. Well, I could not say, as I do not write, and I never had any record of it, but I should judge between 50 and 60 years ago.

Q. For 50 years the Yakimas have never been at warfare with the white man?—A. Yes, sir; they have been at peace.

Q. Do you know your agent, Mr. Carr?—A. Yes, sir.

Q. Are you satisfied with his work on the reservation?—A. Well, he seems to be a pretty good man, and the Indians seem to be pretty well satisfied with him.

Mr. CARTER. That is all.

The INTERPRETER. Now, he says just one word to you people. He says, "I hope that you will do some good for us; we want some benefit of that water; we don't want to see the white people getting the best of us all the time, and if you are right we will be dealt square with."

Senator TOWNSEND. You tell him the purpose of sending this commission here was to look after the rights of the Indians, and if rights of no Indian had been involved in this matter, then this commission would never have been here. The sole and only purpose we had in coming here was to adjust the rights of the Indians fairly and equitably if we can; but in doing that we have got to take into consideration the rights of all people concerned and the cost involved in adjusting these rights.

(Witness excused.)

DON M. CARR—Recalled.

By Senator TOWNSEND:

Q. Mr. Carr, there has been some testimony here to-day, and a reference last evening to the effect that there is a fund belonging to the Yakima Indians derived from the leasing of reservation land. Is that true?—A. That is correct. The fund is known as the proceeds of labor—Indian money.

Q. Have you leased some of the land here?—A. Private lands are leased for grazing purposes, under awards made by the department.

Q. What kind of stock are on the reservation under these leases?—A. Sheep entirely.

Q. How many sheep are there on this reservation?—A. There are approximately 25,000 on the summer range, and 20,000 on the winter range, exclusive of Indian sheep for which no fee is paid.

Q. How many Indian sheep are there on here?—A. About 10,000 on the summer range, and approximately half of that number on the winter range.

Q. How many lessees are there?—A. They are called permittees. On the summer range there are about thirteen permits; on the winter range about six. The area of the winter range is much less than the summer range. The prices paid for the summer range are the result of competitive bids. The winter range is a flat rate of 20 cents a head. The seasons are for the summer, from June 10 to November 10; for the winter range, from November 10 to the ensuing 10th of June.

Q. And is it the same price for all?—A. The same price for the winter range; 20 cents per head. The summer range varies just a half cent or a cent; it is all very close, the result of competition. The present prices on the summer range, I figure, is 32½ cents for each ewe and 16½ cents for each lamb for the grazing season of five months. The low price on the summer range is 30 cents for ewes and 15 cents for lambs.

Q. Are the Indians given the preference for their flocks?—A. Why, we have had claims for preference as such, to my knowledge. A few Indians now on the range have used the same range for years. There have been no additional applicants, with possibly one exception, during the past year, and after all the range had been proportioned, which made it impossible to consider that application, which was a little bit dubious in character under any circumstances.

Q. The Indian pays no rent?—A. The Indian heretofore has paid no grazing fee; those who have had sheep or cattle lands—there are four bands of Indian sheep.

Q. Are these sheep permitted to go on any of the allotments?—A. Well, in some cases there are isolated allotments within the general area of tribal lands. Those allotments are not fenced; some of the sheep naturally go over them, and in a good many cases the owners receive a nominal fee for the grass the sheep eat, although the allotments are within—surrounded by tribal lands, and are not fenced; yet they do in a great many cases get a small compensation.

Q. Is that a matter of discretion left with the lessee or permittee?—A. Well, the Indian is generally a pretty good bargainer in a matter of that kind. He generally asks all that the range is worth.

Q. Those you consult, the owner of the allotment, those isolated allotments, within the ranges, or are they handled by the allottee himself?—A. He gets the money; we don't exclude it within the permits at all; our permits describe the range by certain boundaries; there are certain isolated tracts within those boundaries. The owners of those allotments go to the permittee and ask \$10, or whatever amount he thinks is right, for the privilege of grazing on that allotment.

Q. But if he did not want to pay anything there is no way of compelling him?—A. There has been no way of compelling him, but the permittees have been always reasonable, to my knowledge, and I think the Indians have been very well compensated.

Q. What is done with this fund that is obtained from these permits?—A. The moneys are deposited to that fund, designated as Indian moneys, proceeds of labor, and a considerable portion of it is now expended in the payment of salaries of the agency employees. Some of it is used for the purchase of supplies needed in the support of the school, which could not apparently be supplied unless those moneys were used for that purpose.

Q. Do you keep a separate account of all this money obtained?—A. The account as such is kept in the Washington office. I deposit the aggregate amounts collected, and then they issue authority for purchases from it, the payment of salaries from it, or expenditures from it, in all ways, from that end of the line.

Q. Do you know whether that is mingled with the appropriations made by the Government?—A. It is separate; handled as a separate fund.

Q. About how much money will you receive this year from the grazing privilege?—A. About \$1,500.

Q. You have about the same number on there this year as you have been having from year to year?—A. Yes; the range has a maximum capacity, if you want to keep it in good shape, and we limit the capacity.

Q. About the same amount leased every year?—A. That has been the rule. There have been some changes in the summer range, because of competition. Now and then a man puts in a low bid and is consequently forced out.

Q. Is there real competition for this grazing privilege?—A. Yes, sir; there is very much of a demand for it.

Q. No combination among the bidders?—A. I don't think there is; no, sir.

Q. Do the Indians object to the leasing of this grazing privilege?—A. Only in one instance; we have some sections south of Toppenish Ridge, where the Indians dig roots early in the spring. That section is within the range of one of the Indian owners. The Indians want the sheep kept off of those roots until they have had an opportunity to dig them; beyond that, there is no objection, to my knowledge.

By Representative CARTER:

Q. Mr. Carr, the sheep do not come down onto the allotments in the irrigated area, do they?—A. They come just on the foothills around the valley, not down in the irrigated areas. Those of the sheep there are on leased lands, or pastures that are fenced.

Q. Well, how do you arrange that a man who has bought or leased inherited lands, or leased an allotment within the irrigated area; do you permit him to take his sheep in there and turn them loose?—A. On the land that he has leased, or bought?

Q. I mean can he turn them loose?—A. No; the pasture must be fenced within the irrigable area.

Q. You do not permit sheep to run at large within the irrigated area, or other stock?—A. No, sir.

(Witness excused.)

STATEMENT OF H. M. JOHNSON, CONTRACT PHYSICIAN FOR THE DISTRICT OF TOPPENISH.

H. M. JOHNSON, being first duly sworn by Senator Townsend, testified as follows:

By Senator TOWNSEND.

Q. If you will, tell us what your name is, Doctor?—A. H. M. Johnson.

Q. Do you hold a position under the Government?—A. Yes, sir.

Q. What position?—A. Position as contract physician for the district of Toppenish.

Q. What are your duties?—A. My duties are to attend to the medical needs of the Indians in the vicinity of Toppenish, extending half way to Wapato.

Q. Is there a boundary line so that you know where your jurisdiction extends?—A. Well, there is no boundary line, but we are so well acquainted with the country that we have no trouble in determining. The physician in Wapato and myself never had any trouble in deciding that question. In fact neither of us would quibble about going over the line and taking care of a case, as far as that is concerned.

Q. How long have you been in the employ of the Government as contract physician?—A. I have been in the employ only a few months; I don't think I can give the exact date of my contract; it was in the spring.

Q. Do you live here at Toppenish?—A. Yes, sir.

Q. What portion of your time are you supposed to devote to the Indian service?—A. The time is not specified. I am simply to take care of the needs of the Indians as they might need my service.

Q. If that should require all your time, would you have to devote it to that?—A. I would. I have never declined to attend to any cases I have been called on.

Q. You practice outside of the reservation?—A. Oh, yes.

Q. That is understood in your contract?—A. Oh, yes.

Q. You receive \$200 a year, do you?—A. Yes, sir.

Q. Is there very much sickness in your section of the country among the Indians?—A. Why, there is not a great deal of sickness; I should say not a large volume of sickness.

Q. What is the nature of it, what there is?—A. Well, they are subject to about the same diseases as the whites are; they have different diseases—occasionally a case of typhoid fever; sometimes minor infections, malarial fever, and other fever; tuberculosis and infections of the eye, mainly the lids; eczema.

Q. Do you have trachoma?—A. Yes, sir.

Q. Is that what you call granulated lids?—A. Yes, sir.

Q. What proportion of the people in your jurisdiction are afflicted with trachoma?—A. Well, it would have to be an approximation; an estimate of the number of people: I would say, from my observation, we have not more than 10 per cent of the Indians I have seen, had trachoma.

Q. Well, do you see the Indians except as they come to you?—A. I see them over the country all the time: I see them on the street and in their business affairs; I have been residing on the reservation for seven years, and I have become quite well acquainted with a lot of them; met them frequently.

Q. But you have never made any visits over the reservation for the purpose of detecting trachoma, have you, or tuberculosis?—A. No; I have never made any enumeration or tabulation; never made any attempt to make a tabulation of the percentages of those diseases. As I say, my judgment is simply an estimate, an approximation.

Q. What is your treatment for trachoma?—A. The treatment of trachoma depends somewhat on the severity and form of the case;

probably using a solution of nitrate of silver for minor cases, and from that on up to a method of curetting the eyes; that is a minor surgical operation. In some severe cases, it can be cured only in that way, and perhaps in some cases it can not be cured in that way even. Trachoma is a very obstinate disease and requires different treatments.

Q. Do you find trachoma here more common among the Indians than among the whites?—A. Yes.

Q. What is the cause of that in your judgment?—A. I don't know unless it is the fact that possibly the Indian's eyes are less protected from the dust. We have quite a lot of dust and quite a lot of wind here in the spring of the year, and it may be they don't have the ideas of protecting the eyes so well, or cleansing the eyes when they get where they can, the use of cleanly water, things of that sort; I can not figure out any other reason. I can not see that there should be any inherent condition of the eyes that would make them more susceptible.

Q. Have you made any investigation of it for the purpose of determining the cause of it?—A. I have not made any particular investigation. I have thought of the matter, and that is about the best conclusion I can reach. It is the fact that they do not have so clear an idea perhaps of the care of the eye, how to protect it.

Q. Are you called upon to examine the boys and the girls upon their attempting to enter school?—A. I am not called upon to examine them in the routine; the children enter the schools, except here they are examined by the local health physician here, and many times cases are referred back to me, but I don't examine all of them.

Q. If the local physician or board of health should exclude an Indian child from the schools because of trachoma, would it be your duty to look that child up and treat him?—A. Yes, sir; I would be notified, take charge of the case, and see what could remedy it, so the boy would be fit to enter school again.

Q. Do you have very many chronic cases of trachoma come within your observation?—A. Yes; I should say the majority of it are chronic. Of course we do not see it very often until it becomes more or less chronic. "Chronic" is more or less a relative term. They are not inclined to come to the doctor until they have waited quite a little time. In fact, there is that disposition among them in regard to all the diseases. They do not go very quickly. Many times the field matron will bring the patient in, insist on them coming to the doctor. They have a reluctance to do that.

Q. Is there any way to treat this effectively and successfully among the Indians except by furnishing physicians sufficient in number to visit them at their homes and insist on the treatment?—A. Well, I should say that the farmer and the field matron might take it on themselves and see that the patient gets to the physician; of course the patient must go to the physician in one way or the other and be under his care and full directions, or he can not be cured. The physicians will tell you in the large medical centers that trachoma is a very obstinate disease to cure when you have the best sort of a chance. Many times it is impossible. To eliminate the disease from the reservation would be quite a difficult task and requires the cooperation of not only the physician, but all the other officers, I should say, on the reservation. It is a hard thing to get rid of.

Q. Do you have much difficulty in having the Indian follow your advice and remedy?—A. Yes, sir; once or twice they will take treatment, and then they don't want any more. It is a fact that the treatment can cause discomfort, and sometimes pain, and they don't always understand that good is to come from it, so they get discouraged over it, and many times prefer to have an Indian doctor tending their wounds, and don't want any white doctor there at all.

Q. What does the Indian doctor do for a disease of this kind?—A. I don't know what they do for trachoma. I have come in contact with their treatment in some other cases. I remember an instance where an Indian man was stabbed some five or six years ago here, and I was called to see him and dressed the wound and cleaned it as thoroughly as I could. I put on a sterile dressing as we do, and I told him I wanted to see him next day. He went down on the reservation about a quarter of a mile out of town—Mr. Spencer's place—and I went down to see him the next day, and he was in a tent there, and I was told they did not want me any more; but I took occasion to examine the wound through curiosity, in order to see how they were doing it. They had removed the dressing I had put on, and taken some of the moss from the side of an irrigating ditch, and bound that over the wound. That seemed to constitute the treatment they were giving him. They refused to have my treatment any further.

Q. Did he afterwards recover?—A. I can not say. I did not follow the case. There is quite a lot of that superstition and lack of understanding.

Q. Have you visited the homes very much?—A. I have visited the homes quite a number of times; I should not say very much. I guess in the length of time I have been here I have been in a good many of their homes, but we are not called into their homes as frequently as we ought to be called.

Q. What do you find the conditions of the homes as to cleanliness and sanitary conditions?—A. Some of the younger Indians who have been in school, and who have frame buildings, who are educated, have cleanly homes, with quite good ideas. A great many of their homes are very insanitary, have no conception of it; that is, in my opinion, the reason for the tuberculosis and lack of control of it on the reservation. Of course, the flies are the main carriers of tuberculosis, and I have seen one or two families practically wiped out from that sort of contagion.

Q. Tuberculosis?—A. Yes, sir. I remember one very old gentleman living out here about 7 miles southwest. He had tuberculosis and they had him isolated about 20 or 30 feet from the main building in a tepee, or tent, while the son and wife, son and his family, lived in a frame building nearby, and I tried to explain to them the danger that would arise from the flies carrying this sputum into the house, but I felt at the time that my advice was not being understood, and the whole family practically died from the disease. You will find the same thing in typhoid fever. They can not appreciate, of course, the mode through which this contagion was carried. Of course, they don't know anything about the infectiousness of these diseases—that the germ is in the sputum, excreta, etc.

Q. How long ago were those cases of tuberculosis in a family, where the family was wiped out?—A. That has been about six years ago.

Q. You were not the physician—A. I was not the physician, the department physician, at that time; simply in the private practice.

Q. Do many of the Indians here on the reservation in your jurisdiction employ doctors outside rather than engage the contract surgeon or physician?—A. Well, I think they often employ other physicians. They employ one physician, and then another, the same as a good many white people do.

Q. It may be a difficult question to ask you, I know, but do the Indians seem to have confidence in you?—A. Some of them do, and some of them probably do not. In fact, I presume some of them have not yet become acquainted with the fact that I have been appointed contract physician. It has not been but a few months. I don't know that they know as yet that I have, some of them.

Q. Did you have quite an extensive practice among the Indians prior to your appointment?—A. Yes, quite a few.

Q. Who was your predecessor?—A. There was none here prior to my appointment.

Q. You are the first?—A. Yes, sir.

Q. What proportion of the people, the Indians on the reservation, are afflicted with tuberculosis?—A. Well, that would be a mere guess. I should say not over 10 or 15 per cent. I should say that there is a bigger percentage of Indians afflicted with tuberculosis than there is of white people, but just what the percentage would be in either case, would be a guess.

Q. And you think that is largely due to their ways of living?—A. It is due to the fact that they do not know how to prevent disease being carried about to the sister, brother, father, or mother.

Q. Is there any way to teach them that lesson?—A. I think they can be taught in time; it has to be repeatedly driven home, and the younger Indians have to be taught, and then let them go to the older, if they can, because the younger the Indian is the easier it is to get them to understand what is being done.

Q. What is being done to produce that effect?—A. Every time we come in contact with them we try to explain the best we can that the disease is due to the poison, the germs, that the flies can carry it on their feet like pigs, and if they can keep screened doors and windows, and keep the flies out, and dispose of the sputum, they will prevent the other members of the family from getting it.

Q. Is it possible to secure a man in whom the Indians would have confidence, who could be charged with that responsibility, the sole responsibility, and have him teach that lesson to the Indians?—A. I don't think so; I don't think the Indians would have the confidence that they lack in anyone. I don't think that would be their attitude toward anyone put among them; it might be arranged so some person could do a good deal of this; I don't think that they have the first conception of the idea of infection; I don't think they are probably in a stage to accept any explanation.

Q. Who is your direct superior?—A. Mr. Carr, of the agency.

Q. Do you report to him?—A. Well, I report to him; I report to Mr. Phillips here in town more often, because he is in this territory.

Q. Is he the farmer?—A. Yes; and the field matron, Mrs. Pierce; I see them more frequently in the actual working of the matter than I do Mr. Carr.

Q. Do you regard the field matron as a useful employee of the Government?—A. I should think so; she comes in contact with the Indians and sees to their daily wants, and perhaps advises them and gets them to the service of a physician, or to the service of what they need as much or more than any other member of the service.

Q. Is she an Indian?—A. No; she is a white lady.

Q. Would there be any advantage in employing an Indian woman for the service, if you could get one that was competent?—A. I don't think so; I think that an educated and sensible white lady would be preferable to any of the Indian women you could have.

Q. Why?—A. Because she would be better able to inculcate the ideas of white people, which we feel are more advanced, and lead them more toward that life, which surely should be the purpose of the administration.

Q. Assuming they were of equal ability and experience, what would you say?—A. Well, if you could get an Indian woman equally as educated and who was completely free from the traditional ideas of the Indian, yet who held the confidence of those Indians, it is possible that it might be an advantage; I think it would be hard to find such a person, from my acquaintance with the reservation.

Q. Is the present matron a very competent lady?—A. I feel that she is.

Q. How much does she receive?—A. I don't know.

Q. She devotes her whole time to this work?—A. I believe so.
(Witness excused.)

STATEMENT OF HARVEY SHUSTER.

HARVEY SHUSTER, being first duly sworn by Senator Townsend, testified as follows:

By Representative CARTER:

(Without the interpreter.)

Q. What is your name?—A. Harvey Shuster.

Q. Are you a Yakima Indian, Mr. Shuster?—A. Yes, sir.

Q. Where do you live?—A. Four miles and three quarters south from here.

Q. In the irrigated area?—A. Not what is known under the irrigation project, but then there is one private ditch running through there—don't use it at all, it is running down below.

Q. Is your land irrigated?—A. No.

Q. No water on it?—A. No water on it.

Q. Where were you educated, Mr. Shuster?—A. On the reservation here, the Indian School, Fort Simcoe.

Q. You never went any place except the school at Fort Simcoe?—A. That is the only place I went to school.

Q. Can you give us any information about the prevalence of disease among the Indians, about which we have been talking, tuberculosis, and trachoma?—A. There has been some of it; yes, around, especially to some of my relatives out here; one died here some time about March. That is the only one I know.

Q. With tuberculosis?—A. Yes.

Q. Do you know of very many other cases on the reservation?—A. Why, yes; two cases of what you might call granulated lids.

Q. Eye disease?—A. Yes, sir.

Q. You know of two of those?—A. Yes, sir.

Q. Has the doctor been treating them?—A. Why, I had to take the person up to North Yakima to have him treated; that is the only place he had been treated.

Q. Where does this person live, and what is his name?—A. He lives out at the ranch here with me.

Q. What is his name?—A. Charley Tomith.

Q. Why did you take him to North Yakima, in preference to coming to Toppenish to the regular Government physician?—A. Why, I didn't know there was any around until Mr. Johnson here got on the seat.

Q. Till he told you?—A. Until I heard Mr. Johnson was one of the physicians, I didn't know he was one.

Q. You would have brought him here if you had known Mr. Johnson was one of them?—A. I would, if I had known he was.

Q. Mr. Johnson is a good doctor, isn't he?—A. Why, that is what he is known to be here by the people in Toppenish.

Q. You haven't any prejudice yourself in going to the white doctors?—A. Not a bit.

Q. You feel they can render you good service when you are sick?—A. Yes.

Q. Do you know anything about the reservation that you think this commission should know, Mr. Shuster?—A. Well, the Indians had considerable trouble here about the water, and the Indians, from their knowledge, want to receive—to get the water to irrigate the lands. And, especially this year, the Indians had more failure with their crops, on account of not having enough water to irrigate, to produce the crops on their lands.

Q. How many Indians do you know who did not get enough water this year?—A. I know there is about 24 up here under the Union project.

Q. Can you give their names?—A. I can give their names; yes, sir.

Q. Give them to the stenographer, will you?—A. Well, I will just name a few of the important ones, those that have come to me: Shawwawai; there is Paul Hoptowit; Frank Andrews; William Hoptowit—the others I can not name right well, only just those important ones right there—Sam Ashue and his brother Charley; Johnny Johnson.

Q. In all, you say there was 24?—A. Yes; I had 24, if I can just think of them now.

Q. Well, we will go ahead. Outside of the irregularities about water, do you know of anything else that the Yakimas have to complain of at the present time?—A. They had been held down by getting their moneys—their rent moneys and their lease money, and their land-sales money, the inheritance lands that had been sold.

Q. They don't get that fast enough to suit them?—A. They don't get enough to carry on—to get their wants.

Q. It is not paid to them fast enough, you mean?—A. Yes.

Q. And paid in too small amounts?—A. Yes.

Q. You get about over the reservation quite a good deal, do you, Mr. Shuster?—A. Yes.

Q. And what is your observation about the present condition of the Yakimas generally?—A. Why, if the Indians get their—get what

they want—their rights, I believe the Indians would be more satisfied than they are now.

Q. You mean if they get their water?—A. Yes, sir; get their water, and also their moneys that they have coming.

Q. What do they do with their money when they get it, Mr. Shuster?—A. Why, some of them go to work and handle some of their own affairs, and get what they need.

Q. Do any of them use it to improve their farms with?—A. Yes, sir.

Q. What percentage would you think used it to improve their farms with?—A. Well, I judge somewhere along about three-fourths of them.

Q. Well, how many of them, do you know, who have used their money to improve their farms with?—A. Well, I know—

Q. Not the names, just how many?—A. Well, I would say a little over a hundred.

Q. Who have used their money to improve their farms?—A. Yes.

Q. You are estimating that: you haven't counted them?—A. I am estimating them.

Q. What is their condition with reference to education? Are they amply supplied with schools?—A. Yes.

Q. The schools are sufficient for all the children on the reservation?—A. Yes.

Q. You have one school at the fort?—A. One school at the fort and other different schools?

Q. Public schools?—A. Yes, sir.

Q. And the children throughout the reservation go to school in the public schools?—A. Yes, sir.

Q. What has been your observation, do they do better at the public schools or at the Indian boarding schools?—A. Why, I believe that it is satisfactory to those children that have no mothers and fathers to care for them are sent to Fort Simcoe, so that they can be taken care of up there by the superintendent and other employees; and those that have fathers and mothers, they are willing to send them to the public schools.

Q. The school at the fort then is used principally then for orphan children?—A. That is what I understood—only for the children that live near the fort, who would rather send their children to the fort.

Q. At which school do you think the children make the best progress?—A. At the public schools.

Q. What percentage do you think, Mr. Shuster, of the Yakimas under 25 years of age can read and write?—A. What percentage there are?

Q. How old are you?—A. I am 28.

Q. Well, under 25 years of age, what percentage of the children can read and write?—A. Well, pretty near all I believe—pretty near all the younger Indians now can read and write.

Q. So that the Yakimas are really making some progress in civilization?—A. Yes, sir.

Q. And do you think that the present system is a good one for their civilization, if they had their water rights properly adjusted?—A. Yes, sir.

Q. Are you a member of the Brotherhood of North American Indians?—A. Yes, sir.

Q. When did you join?—A. I joined April 21.

Q. What year?—A. 1912.

Q. Did you go to Washington City to join?—A. Yes, sir.

Q. What induced you to join the Brotherhood of North American Indians?—A. Well, my idea was that the Brotherhood was simply to develop and to take on documents and so forth, and take care—try to elevate the Indian race.

Q. Well, one gentleman stated on the stand—you heard him—that his understanding of the organization was that it was to take the place of the Federal Government in the supervision of Indian Affairs. Was that your understanding of it?—A. No, sir; my understanding was that the only way that the Brotherhood of North American Indians was to take and to develop—try to develop the Indian race.

Q. Was there any understanding that the brotherhood was to be used as a political means to enforce the giving of your rights—the giving to you of your rights by the Federal Government?—A. If they could get it.

Q. It was to be used as a political means?—A. Yes, sir; if they could get it.

Q. You were to make demands as an organization upon Congressmen and Senators for those rights?—A. Yes, sir.

Q. Who solicited you to join this organization, Mr. Shuster?—A. Why, I joined at the meeting in Washington, D. C.—there at the Commercial Club Hall—there at Washington, D. C. They had a meeting there, and I joined. There were several other Indians of different tribes joined at that time.

Q. How did you come to go that meeting?—A. Why, I was sent as one of the delegates from here, to find out whether this organization would take in some things of the Indians to help them to fix their grievances that they had, from the Government to the Indians.

Q. Well, when did you first hear of the Brotherhood of North American Indians?—A. December 6, 1911.

Q. How did you hear?—A. Why, I heard here, in the other room there.

Q. Who told you of it?—A. Why, Harve H. Phipps.

Q. Who?—A. Mr. Phipps, of Spokane, who was the first man brought it here.

Q. Mr. Phipps?—A. Yes.

Q. What does Mr. Phipps do?—A. He is now State senator, at the State capitol.

Q. Is he an Indian?—A. He is a white man.

Q. Is he an attorney?—A. Yes, sir.

Q. Has it been his business to practice among the Indians—that is, take Indian cases?—A. From what I have heard; but I never have known that he has taken up any.

Q. Well, how did he come to take this interest in the Brotherhood of North American Indians?—A. Why, there are so many different tribes of Indians have appointed Mr. Phipps to come and take the other Indians to become as members.

Q. And he solicited you to join in a meeting in this building?—A. Yes, sir.

Q. What did he tell you that the brotherhood would do?—A. He told me the brotherhood was to help carry on and ask for rights from the Government, so as to develop the Indian race.

Q. Did he tell you he was employed by other Indian tribes to propagate this brotherhood doctrine?—A. He did not say that he was employed at that time, but later on I found out that he was employed by other tribes.

Q. What tribes? A. From the Nez Perce, and Umatillas, and Colville Indians.

Q. Did he tell you it would cost you anything to join the Brotherhood of North American Indians?—A. Why, he said it would cost 50 cents a year.

Q. And you paid that 50 cents?—A. I paid the 50 cents at the headquarters at Washington, D. C.

Q. You have not paid anything since then?—A. No, sir.

Q. Did you yourself solicit anybody to join the organization?—A. No, sir.

Q. Did anybody except Mr. Phipps solicit you to join it?—A. Yes.

Q. Who was it?—A. A friend of mine who is not in the room to-day; he is in North Yakima.

Q. What is his name?—A. Thomas Yellup.

Q. Is he a Yakima?—A. Yakima; yes.

Q. Did he tell you of any interests he had in the brotherhood?—A. He was one of the members.

Q. Only had an interest as one of the members?—A. Just as a member; yes.

Q. Have you known of anybody connected with the Brotherhood of American Indians attempting to take contracts with the Indians, the Yakima Indians?—A. Not that I know of; that is the only organization I have known.

Q. Have you ever been in the employ of the Indians in any capacity?—A. By the Indians?

Q. Yes.—A. Why, I have taken some part; yes.

Q. What? A. I have taken part and I have been elected by the Indians to take in some parts of the meetings of Indian matters in the reservation.

Q. In what kind of meetings, Mr. Shuster?—A. Well, in Indian councils.

Q. You are a member of the Indian council?—A. Yes, sir.

Q. You are paid as a member of the Indian council?—A. Why, we have never paid any or collected any fees, or such things, but just so many of us Indians are elected from certain districts on the reservation.

Q. And you do not draw any pay for it at all?—A. We don't draw any pay for it. It is just simply to help one another along.

Q. You don't get your expenses paid at your meetings?—A. No.

Q. Have you ever represented the Yakimas, or any of them, in any other capacity?—A. Why, the only capacity that I represented them is the people around down toward Satus.

Q. Down toward what?—A. Satas.

Q. In what way did you represent them?—A. Why, they had some things they would like to have been told in the council, Indian council, or such matter, and they sent me to the council.

Q. And the only place you ever represented the Yakimas was before the tribal council?—A. That was the only council, and it has been twice. I was sent back to Washington, D. C., one time.

Q. You were sent to Washington once?—A. Yes, sir.

Q. By the Yakimas?—A. By the Yakimas, by people—I don't mean the whole tribe, but people surrounding, near.

Q. Well, what did they send you there to do?—A. They sent me back there to find out what has been—find out some things that I went in and found out those things, asked the Commissioner of Indian Affairs to give us a little more money, and such stuff for rents, and so forth.

Q. A little more money from the leases?—A. A little more money from the leases and the land sales.

Q. Well, were you employed in trying to adjust the water rights in any way?—A. Why, I was elected here as secretary by the Indians and to look after and to take some parts in the water rights here.

Q. Secretary of some meetings they had?—A. Yes, sir.

Q. And did you draw any fees for that?—A. No.

Q. Did you draw any fees for your trip to Washington?—A. No, sir.

They just collected so much money—it was \$150—just enough to go back there and pay for my meals and bed and then come right back here?

Q. They gave you \$250 to pay your expenses?—A. Yes, sir.

Q. Have any of the Yakimas ever employed any attorneys?—A. The only attorneys that I know that they were going to get one attorney, but I believe they failed on it, and I never heard any more.

Q. Failed on it?—A. Yes.

Witness excused.

STATEMENT OF THOMAS ROBINS.

Thomas Robins, being first duly sworn by Senator Townsend, testified as follows:

By Senator TOWNSEND:

Q. What is your name?—A. Thomas Robins.

Q. Are you an Indian?—A. Partly; yes, sir.

Q. What part?—A. Half.

Q. How old are you?—A. Forty-five.

Q. Do you live here on the reservation?—A. Yes.

Q. Have an allotment?—A. I haven't at the present time; I did have an allotment.

Q. Sold it?—A. I applied for a patent for my land and laid it out in town lots; it is inside of the city limits of the town of Toppenish at the present time.

Q. And you have a family?—A. Yes, sir.

Q. How many?—A. Wife and one child.

Q. They both have been allotted?—A. Yes, sir.

Q. Here in the valley?—A. Yes, sir.

Q. Irrigated land?—A. One eighty, my child's eighty, is under irrigation; that is, it is not under irrigation but it should be, and my wife's allotment was subirrigated land.

Q. Have you testified in the other room?—A. Just a little; they just asked me a few question.

Q. I don't care to go into the irrigation part of it; that is not our branch of it just now if you have testified in the other room. You

are an educated man, are you?—A. Educated some, but not to a great extent.

Q. Where were you educated?—A. Different parts of the country.

Q. What part?—A. I got my own education; I worked out and went to public schools.

Q. Well, where did you attend public schools?—A. Well, mostly at Yakima.

Q. You live here in Toppenish?—A. Yes, sir.

Q. Do you mingle with the Indians considerably?—A. A good deal.

Q. You go into their homes?—A. Yes, sir.

Q. How extensively have you visited the homes of the Indians?—

A. I don't understand.

Q. How extensively have you visited the homes of the Indians?—

A. A good deal.

Q. What can you say as to the conditions of the homes?—A. Well, take it as a whole, straight through, it is very favorable wherever you go about the reservation.

Q. Can you say whether there is progress being made among the Indians toward civilization or not?—A. Yes, sir.

Q. Has there been?—A. Yes, sir.

Q. What is the effect of this progress upon the health of the Indians?—A. Well, it seems to be the gradual falling away of the Indian.

Q. They are not improving?—A. No.

Q. What is the cause of that?—A. I can not say.

Q. What diseases are most prevalent among the Indians?—A. Well, it is about the same all over; it is fevers and smallpox, and such things as that.

Q. Does the Indians pay any attention to means of preventing contagion, contagious diseases such as smallpox, typhoid fever, trachoma, and tuberculosis?—A. They do as far as I know.

Q. And still, you think it is on the increase?—A. I think it is on the increase; it is the same amongst the whites all over the reservation and throughout the whole Yakima Valley.

Q. You think it increases among the whites the same as among the Indians?—A. Yes; it seems to be more so among the whites than the Indians.

Q. Well, that is rather a remarkable statement; I hadn't heard that before—seemed to be right the reverse of that. What can you say as to the administration of the Indians' affairs, as to whether you believe those affairs are being properly administered or not?—A. Well, in regard to that I should say flatly that they have been very badly mistreated.

Q. The Indians have been badly mistreated?—A. Yes, sir.

Q. Will you specify now in what respect they have been badly mistreated?—A. In a good many ways; to go into details they have been mistreated—I will take up one subject, which will be probably the most important to you and the Indians—it is the question of money matters amongst the tribe. For instance, here a person, which there is some in the room here at the present time, that goes out and sells their inherited land, through a Government sale. That land first is appraised by someone, by Government authority.

Q. Either the superintendent or farmer?—A. Yes; that land has been appraised by someone and it is put up at that figure to be sold. A great many times a piece of land that has been sold through Government sale which has brought probably three or four thousand dollars, was worth seven or eight, possibly ten thousand, but take it even at that it is sold, we will say, for four thousand dollars.

Q. Well, aren't there bids made on it?—A. Yes.

Q. Put up on sealed bids, is it?—A. Yes, sealed bids; but yet they know about what price that land will bring when it is appraised at so much. Say it is appraised at two thousand; a man is not going to give ten for it when he knows he will get it for four.

Q. What is to prevent anyone putting a bid in on that who knows?—A. There is nothing to prevent a man from bidding on it; but they know there is no use bidding away up high—but take it on the other hand at that, whenever the Indians sells that land, the white man, whoever buys it, after the heirs is all signed up, this money is turned over to the agent—the superintendent, we call him here or the agent; that is put into the bank in Yakima or some place else, held in reserve for these heirs, and it will be dished out to them in small sums, probably ten or fifteen dollars a month; there is a whole family that is depending on that money and they will probably get ten or fifteen dollars a month.

Q. Each child?—A. No.

Q. For the family?—A. For the family; the head of the family will probably get 10 or 15; some of them as high as \$30 a month; that money lays in the bank, drawing no interest to them, whereby if it was turned over to them to a certain extent that they could go out and build themselves up a nicer home, buy stock to stock their farm, and buy their implements to cultivate their land.

Q. Are you sure, Mr. Robins, that that money does not draw interest?—A. I am positive of that; it might draw interest, but it does not go to the Indians. This should not be. My mother has, or has had—she has been getting more now than she has for three or four years and she is very old; she is up in the eighties; she was getting for two years \$15 a month, not enough to support any one person. If you had to go out and live on \$15 a month you would find you had to live awfully skimpy and go hungry a good many times. She got \$15 a month to live off of, off of this inherited land, and the money lays in the bank and has been there ever since. She has something over \$300 there, and there has not been a cent of interest on that money.

Q. Well, the testimony before us has been by the superintendent, in dispute of that proposition, that the money was drawing interest in some cases 5 per cent, some $5\frac{1}{2}$ per cent, and the lowest of any was 3 per cent.—A. I have only heard of one case on the reservation, I believe one person has told me here that they got 4 per cent interest on what money they had in the bank.

Q. Now, what would you have done with that money, Mr. Robins—for instance, your mother's money—would you turn it all over to her?—A. I would take it now, for instance, in that case, wherever her children is capable of looking after her and handling her business for her in a right way, I would have the money be deposited in a home bank to her credit, and whenever there was anything needed that she needed and really needed bad for her home use or for anything of that

kind, her heirs, her children looking after that part of it, that she could go and draw the money.

Q. Would you have the children give bonds for that amount?—A. Yes, just the same thing as I would for my child, that I would take his money and put it in the bank here, and I would give bonds that I would do whatever that money—to put it to the best advantage.

Q. That is, you would account for it?—A. Yes.

Q. Well, that is one of the complaints; you name that as one of the principal complaints that is made, that where Indians have money to their credit at the agency or with the department, that they should be allowed to draw more of it?—A. Yes.

Q. Well, now, tell me, Mr. Robins, are there not many Indians who, if they were allowed to have their way about it and draw the money, it would soon be squandered, and the white man or somebody else would get possession of it?—A. Well, in a few cases it might be that way, but in a good many cases—you take more than two-thirds of the cases on the reservation that I know; they would feel more like getting in and doing something.

Now, a case that came to me here not long ago. There was a man wanted to buy a team, and he couldn't get money enough to buy the team he wanted.

Q. What would he have done with the team when he got that?—

A. He wanted to go to work on his farm; he has 8 acres right within 2 miles of town here, and the young man is a good, industrious fellow, and he has had his land leased for the last four or five years; but he wanted to go and work it himself; thought he could make more out of it than he could by leasing, and he wanted to go to work; and he has something like three or four thousand dollars in the bank and he wanted \$400 to buy himself a good team, and he couldn't get only \$250, so he came to me and wanted to know if I couldn't arrange it so I could loan him the balance of it to buy the team.

Q. Did you do it?—A. I didn't with him at that time, no; but I have a good many.

Q. Well, what would you say of the proposition, Mr. Robins, along that line, of allowing those Indians who are competent, as you suggest, who can look after their property if it is given to them, allowing them the right to have all of their property, then putting them on a footing, equal footing, with the white man in every particular?—A. Well, in that case it would be all right, providing that they could be put on an equal footing with the white man, but under the present State laws of this State you can not.

Q. Why, what law in particular?—A. There is one thing here; I am classed as an Indian; amongst the Indians I am classed—when it comes to voting and things of that kind, I am a white man, yet I am neither. Walk down here to a saloon, which some of them have right here on the center of the reservation; there is a sign meets me in the face, stares me in the face: "No Indians allowed." So I have not the right of a white man, yet I am looked at as a white man when it comes to have to pay my taxes and things of that kind; then I am a white man.

Q. Well, do you regard that as a privilege worth having, the right of an Indian to go into a saloon?—A. I can not say it is a perfect right, yet if the Government has saw fit to issue me a patent to make

me a white man and a tax payer in the State of Washington, why shouldn't I have that right?

Q. Well, of course, in the State—I don't care to get into an argument on this proposition, but of course the State has certain laws which they consider to be desirable laws, not only in reference to saloons, but there are very many other things that the State law applies to where men engaged in certain business—for instance, a man going into the saloon business, he has to pay a license; an ordinary business man don't have to pay that license. Those things, of course, as you suggest, are matters that pertain to the State; but now in talking about the Indian property, my suggestion was that he be placed on an equal footing so far as the Federal laws are concerned with the white man, and he be given his property, the restrictions be removed, do you think that would be a good thing for the Indian or a bad thing?—A. Well, now, that is a question that would be hard to answer. You take it in a good many cases it would be all right, but there is a good many of them looks at the thing just the same as I do—why do you want to get a patent to your land and not become a citizen of the State?

Q. Well, you do become a citizen of the State, don't you?—A. Well, in some ways, yes; just as I stated it to you a moment ago.

Q. Well, do you know of any other restriction except the matter pertaining to liquor?—A. Well, that is the most—the hardest thing comes down against the Indian on that account; of course, when the Government turns you loose as a white man, he expects you to act in that capacity.

Q. Of course, that was intended to cover the cases of Indians where liquor, as you know, is an actual detriment. It is destructive to the Indian, the ordinary Indian, I mean, now; it might not apply to you and probably would not, if there could be an exception made in some way, but where are you going to draw that line? That is the difficult problem that I suppose the State legislature has to meet, but what other complaint have you to make, Mr. Robins?—A. Well, the other complaint—another one I wanted to go into in detail, that was the way the Indians had been treated on their ranges.

Q. Tell us about that.—A. Now, in regard to that, there has been several—well, in the first place, you know that the Government has spent a good deal of money trying to educate the Indian and put him on a footing whereby he could make a living for himself. Now, in a good many cases here—there was four or five here this last spring—good, honorable people that wanted to go into business, wanted to go into the sheep business.

Q. Indians you are talking about?—A. Yes, some full-bloods and half-breeds wanted to go into the sheep business; others into the cattle business, and of course I was one amongst the bunch and of course I have made the application myself, but then there were three or four other parties that did make the application to Mr. Young for a range. He writes back if we want a range we will have to make a written application for the range and we will have to pay 20 cents a head for sheep to get range on the reservation; yet that is what an outsider comes in from the outside and gets the choice of the range and he pays the same price and there was others turned down entirely, couldn't get no range at all. Therefore, it stopped the Indian from going ahead to try to make a living for themselves.

Q. The testimony of Mr. Carr, a few moments ago, before you came in, was to the effect on this subject, that there was but one Indian who had made application for a range for grazing privileges, who had been denied and that came in late and he thought was of a doubtful character.—A. Well, if you would take the evidence I can bring you in out of the other room at the present time that wrote, and they have their letters that they received from Young.

Q. Was that before the leasing privilege or the seeding privilege had been exhausted?—A. No.

Q. It was afterwards?—A. That was during the early spring just when everybody made application for a range.

Q. Here is a question that the commission will undoubtedly consider by and by, and I want to ask you this question: Even on the range that belongs to the Indians, the unallotted lands, do you think that a member of the tribe or an allottee should have the privilege of using that range without paying anything for it?—A. Well, I don't know exactly in that way, but you take—now, this is one point I was going to put up and I blame Mr. Young just as much as I blame any other agent, more so than any we have ever had here, that he goes to work and leases out so much range to a white man from the outside, that to get to that certain range you have got to cross thousands and thousands of acres of allotted land; then sheep have got to cross that allotted land to get over to the range and it takes them the biggest part of the summer across that allotted land to get over there, and what do they do? They don't pay the Indians that own that land a cent, whereby an Indian, which I have a range up on the Klickitats, a cattle ranch myself; now, there is a few allotments in there and all those people who had allotments in there have got paid for their land from me for a pasture, but these outside people will come in here and cross the Indian's land going there to their lands and they don't pay for that. They are using this Indian land, the land that has been allotted for pasture, the biggest part of the summer, and they don't pay a cent for it.

Q. Do they have to cross the allotted land to get to the range?—A. They don't have to do it.

Q. They do do it?—A. They do because they take the best part of the land to go there to get into the range.

Q. On lands that are being worked?—A. No; it is pasture land, on the upper lands where people have taken it for pasture land.

Q. Mr. Carr also testifies that where there were isolated allotments on the range where they were used by the herd, that the Indian made his arrangement with the lessee and got some pay for the use.—A. Well, there might be a few cases of that; there is a good majority that has not been.

Q. Getting back to this other proposition, that unallotted land, that is used as a range, belongs to the Indians as a whole?—A. Yes.

Q. Now, no one Indian ought to be entitled to use that without paying for it, had he?—A. Well, to a certain extent he should not, no.

Q. Because it belongs to all the Indians?—A. Yes.

Q. And is the Indian denied any right; the Indian who wants to lease this ranch, is he denied any right which is given to the white man?—A. Well, he has been this year.

Q. Ordinarily the Indian who went in and made a bid for that range was treated the same as the white man was, was he not?—A. Some of them was and some was not.

Q. Some were denied?—A. Yes.

Q. Can you give us the names of any men who were denied the right to pay for that range or any part of it?—A. Well, there is two that I know of; of course, they got their range later, but then they had to wait until the white men got their pick, got their choice, then they got all the good range; it is not that they were denied outright, but they were denied when they first made their application and they said they could not get any range at all, that the range was all gone, yet there was the white man came in from the outside and got the best part of the range after that.

Q. Well, will you give us the name of some men?—A. Agnes Bond, her husband was a white man; he was the one that made the application; Ella Briggs, her husband was a white man; John Fiander, he is a half-breed on the reservation.

Q. These white men make the applications in the name of their wives?—A. For their wives; yes. I also believe Benny Olney made an application and didn't get his until way late.

Q. Do you know of anything further, Mr. Robins, you want to tell us, any other matter?—A. No; there is nothing more at the present that I can think of. Those are the two main parts I wanted to take up with the commission.

Senator TOWNSEND. Well, very much obliged to you, Mr. Robins; if there is anything further you want to state——

Congressman CARTER. I believe I would like to ask a question or two.

Q. Mr. Robins, I believe one of your objections you have to the present system is that when an Indian is given his trust patent and made a citizen of the United States, they won't grant him the same privileges with reference to going into saloons, etc., as the white man?—A. Yes; I believe he should be.

Q. Then, you think that the United States citizen can be separated from the Indian and his appetite for whisky?—A. Now, to get down to the whisky question, I have saw right here in the Yakima Valley for two years that the saloon was open to the Indians that had a trust patent to the land, it was open to them for two years during that time; I didn't see one-third—I can swear that I didn't see one third of the drunkenness during that time that I will see out here any time, now.

Q. Don't you think there might be some logic in the contention that an Indian having a family dependent upon him after he has been given his patent in fee and had additional responsibilities imposed upon him, that there might be more reason for them keeping the use of liquor away from him than there was before?—A. No; I don't think so.

Q. You don't think there is any logic in that contention?—A. No; I don't, because you take—I don't care who it is, whether it is an Indian or whether it is a white man, if you tell them that they can not have a certain thing they are going to have it regardless of the cost.

Q. Well, now, you make complaint, Mr. Robins, I believe, in connection with the leasing of the grazing land?—A. Yes, sir.

Q. You made an application, you say?—A. I did not make an application direct; Ella Briggs made the application; I was going in partnership with her.

Q. She was an Indian?—A. Yes.

Q. An allottee of the Yakima Reservation?—A. Yes, sir.

Q. Did she comply with all the regulations in making application?—
A. She went direct to the agent.

Q. In making the application, don't you have to deposit a certified check for the amount?—A. It is supposed to be with the whites but not among the Indians.

Q. In that respect the Indians are favored above the whites?—A. Yes; on the reservation; it is a privilege amongst the Indians if they want range they take it.

Q. I understand, but in making application to lease it in the regular way, are they not required to deposit a certified check the same as a white man?—A. Well, now, I could not say in regard to that.

Q. Well, do you know whether this lady did that or not?—A. No; she did not.

Q. Well, that perhaps was the reason why the application did not receive the proper consideration.—A. Well, she went direct to him and made the application, and she could not get the range, and then she told me about it, and so Young came to her afterwards and told her if she wanted range he would cut the price in two and make it 10 cents, after the range was all gone.

Q. Now, Mr. Robins, you were an allottee, you say, on this reservation?—A. I was.

Q. Part of your allotment was in the town of Toppenish?—A. It is all in the town of Toppenish at the present time.

Q. Have you sold it?—A. Not all of it.

Q. How much of it?—A. I sold it all except a few lots.

Q. Did you get a good price for it?—A. I got a good price for it.

Q. Would you mind telling the commission how much on an average you have sold those for?—A. On an average—well, I sold part of it outright to carry on my business until I got my patent—that is, I had already got my patent but I had no means in that time to get my land surveyed or anything which it costs quite a lot—I sold 30 acres out of my allotment; the railroad took out 5.

Q. What did they pay you for that?—A. The railroad didn't pay me nothing.

Senator TOWNSEND. That was out when he got the allotment.

A. When I got the allotment the railroad had already taken out five and a third acres, and the 30 acres—the remaining 30—I sold 30 out of that piece for \$12,000, and the balance of it averaged me about—a little better than a thousand dollars an acre.

Q. How much of the balance was there?—A. About 45 acres.

Q. Forty-five acres?—A. Yes.

Q. You got then about \$57,000 for that allotment?—A. Yes, sir.

Q. Have you invested that money?—A. I invested the bigger portion of it; yes, sir.

Q. And are drawing an income from it now?—A. Well, no, not exactly; of course some of it—a good deal of it I have loaned out.

Q. Well, you will draw an income from that?—A. Yes.

Q. So that there is not much use in the Government attempting to look after you any further?—A. The Government never has, and I never intend that the Government should.

Witness excused.

STATEMENT OF JOE W. PHILLIPS, AGENCY FARMER, TOPPENISH, WASH.

Joe W. Phillips, being first duly sworn by Senator Townsend, testified as follows:

By Senator TOWNSEND:

Q. What is your name?—A. Joe W. Phillips.

Q. What is your business?—A. I am agency farmer.

Q. Where is your headquarters?—A. Here at Toppenish.

Q. How long have you been occupying that position?—A. About three years; a little over three years.

Q. Were you connected with the Government in any capacity before you were Government farmer?—A. I was school farmer one year over in Oklahoma and six months at Fort Shaw, Mont.

Q. What is your salary?—A. A thousand dollars a year at the present; I came here at \$900.

Q. And you have no expenses furnished besides?—A. Well, I have a house and barn; most of the rent paid on the house and barn; they allow me, I believe, at the present time, \$17.50 a month for the house and barn.

Q. You have a team furnished you?—A. Yes, sir; a team and rig.

Q. What is your business as farmer? What are your duties, rather?—A. Well, the most of my work is subagent work. I have an office here; I am under direct orders from the agent, and a good part of my business is taken up in land matters, looking after the leasing, supervising the leasing, the collection of rentals, and the improvement of leases, and appraising land, and looking after the different Indian troubles, their health.

Q. Their health?—A. Yes; and I help them all I can in farming.

Q. Well, now, what do you do in that latter respect? How do you help them?—A. Well, there is not a great amount I can do; I—that I have been able to do so far; when I see an Indian that I think I can help by advice, why, I do it. If I see an Indian that I think will make good as a farmer, I try—I recommend that if he has any funds that can be used for the purchase of teams, implements, anything of that kind, why, I recommend that he be allowed it and try to get it for him.

Q. Is your advice generally followed?—A. How is that?

Q. Is your recommendation or advice usually followed?—A. Well, not so very much—the Indians as a general rule seem to think very well of me and think that I can give them pretty good advice, but the most of these fellows here, take them as a class, beyond that stage I find them so—that is, they think they are, anyway—

Q. What do you mean by "beyond that stage"? A. Well, they think they know how to do anything, do farming—and those that try it do fairly well in it.

Q. Now, when you recommend to the agent that a man should have some money to buy a team or do other things with, is that recommendation usually followed by the agent?—A. Yes, sir; sometimes the agent has looked into matters, and, of course, he asks me for my report as to the actual conditions, which I am obliged to give, and sometimes they turn it down, but I would say that 90 per cent of my recommendations are followed.

Q. Mr. Robins just testified that in the case of his mother, she having something like \$3,000 dollars on deposit in some of the banks, that she was unable to get but \$15 a month when she was entitled to more.—A. Mr. Robins has gotten I forget either \$30 or \$35; that is my recollection, that it is \$35; ever since I have been here, three years. I deliver Mrs. Robins's check mostly.

Q. She gets \$35 a month?—A. That is my recollection of it.

Q. How does she use that money; do you know?—A. Well, the old lady is very old and feeble; she uses it for her support; she has had a young boy living with her—I don't—I guess all his life, as far as that is concerned; but a good part of it has gone to keep up him and his family; that is, the household affairs there; those who live there.

Q. Does he have any other means of support?—A. Well, he has an allotment; well, I know one year that he got about \$200 out of it, or \$210, something like that.

Q. Now, you said you were to look after the health to some extent. What do you do in that respect?—A. Well, it is just simply advice and try to get the Indians to build better houses where they have money, and I try to see—I notice that there is a great tendency with a good part of them—I won't say the most of them—to keep the house not ventilated properly. I talk to them as much as I can that way.

Q. Do you see them often?—A. Why, I am out in the country—well, at least three days out of the week—well, it will average more than that—more than three.

Q. You go into their homes do you?—A. Yes, sir.

Q. When you see them sick, do you advise them with reference to securing medical attention?—A. Yes, sir; I do; but there is lots of Indians, they insist on having their own doctors, the Indian doctors.

Q. The old Indian methods employed?—A. Yes, sir.

Q. Do you see many cases of trachoma or eye diseases?—A. Yes, sir; it is very prevalent.

Q. What proportion of the people, do you think, have diseases of the eyes, of the Indians?—A. Well, sir, I actually think that 60 per cent of them are troubled with it—or old people, of course—the people that come into my office regularly, or that I visit regularly, are the old people; the people that draw monthly allowance checks; that is one of my duties to deliver those, and that calls me into their homes quite frequently; lots of them I have to go once a month, and the majority of these have eye trouble; some of them—a number of them—a number of those people are blind.

Q. How many?—A. Well, I can not tell you, because I never did set it down; but there is several of those old people are blind.

Q. Can you give me the names of any of them who are blind?—A. Muck-a-muck John; Tom Okseo; then there is another Indian here; he has been blind a long time; but the other Indian I speak of was an accident, I guess, that caused his; I could soon get a number, but I don't think of the others, because I hadn't thought of that.

Q. Now, with reference to the leases, you have heard the testimony here this afternoon, have you, Mr. Philips?—A. Part of it.

Q. Now, you heard the testimony of the last witness, Mr. Robins?—A. Yes, sir.

Q. What can you tell us in reference to the method of leasing the range land on the reservation?—A. Well, I couldn't tell you nothing

very definite about that; I don't have anything to do with it. There is a certain time—well, I think soon, now, in a few days, they will be required to make application for the next spring range, if I understand it.

Q. Beginning in June?—A. Yes, and the summer range, or the winter range, is leased that way too, quite a bit ahead, and the bid is accompanied with a deposit.

Q. Well, you said you had something to do with the leases? What do you mean? What do you have to do with the leases?—A. With the leased farming and grazing land, the allotments.

Q. Well, what do you have to do with the leasing of the range land on the allotment?—A. Well, the best pasture land here is fenced in 80-acre tracts; they generally, when it is first leased—it is leased at so much per acre or per year and fenced; generally—perhaps that might be a two or three year lease.

Q. Do you find there is much disposition here at Toppenish or Yakima or any other place to take advantage of the Indian in matters of trade and commerce?—A. Well, I don't know as there is any more so here than any other place I was ever at; there is some tendency that way, but it is not so very flagrant.

Q. Do you ever have occasion to look into a transaction that has been executed between an Indian and a white man?—A. Well, yes; I am called on sometimes to do that in small matters.

Q. Now, if an Indian is allowed out of his allowance enough money to buy a team, do you look into it to see whether he gets a good bargain or not?—A. Yes, sir; it is my business. I have to pass upon all the teams that are bought with trust funds in this section.

Q. Is the Indian as a rule a pretty good dealer?—A. Well, no, not as a rule he is not; if he gets stuck on some old skate of a team he is willing to pay most any price and there is quite a tendency to get stuff that is not suitable for his needs. That is, there is exceptions to that, you understand; there is some of them just as good judges as I am; but then I would say the majority of the cases—it would not be a very big majority—but the majority of the cases I think they need supervision.

Q. Is there any number of Indians on this reservation who are competent in your judgment to handle their own property?—A. Yes, sir; I think there is a number.

Q. What proportion of them?—A. Well, I think something like 10 per cent of them, in the neighborhood of 10 per cent.

Q. Do you see any improvement in the Indian from a business standpoint?—A. Well, I think there has been an improvement since I have been here in the Indians' method of living and management—understand, that I don't think that I am the cause of it, or anything of that kind; I think circumstances have tended that way.

Q. You devote all of your time to the business of the position you hold?—A. I do.

Q. Do you notice the work of the field matron?—A. I do.

Q. What does she do?—A. Well, the field matron for about two years has had to do the duties of the farmer at Wapato; she was stationed at Wapato for a little over two years, and they had no other representative there, and she was called on to do a lot of the duties that a farmer would ordinarily be called upon to do.

Q. Is there anything else that you wish to say to us, Mr. Phillips?—A. I don't think of anything.

Q. There was an old Indian testified this afternoon, stating you had never been on his farm. Have you been on his farm?—A. Yes; I think that he evidently did not understand the question or something. I made a special trip there about ten days ago. It was the 9th day of September that I was there to measure his hay land. He had hired a white man to mow his hay, and I went down there to measure his land for him.

Q. Was he there?—A. Yes, sir.

Q. Ever been there before?—A. Yes, sir; I went there last year one time on the same errand—twice. One time to measure his grain lands—some grain land that he used of his property—and again to measure this same hay land.

(Witness excused.)

HARVEY SHUSTER (Recalled).

By Representative CARTER:

Q. Mr. Shuster, you testified that you were acquainted with the health of the Yakima people, that there was some trachoma and tuberculosis among them; do you think the establishment of a hospital here, centrally located on this reservation, would be an advantage in the way of curing those people?—A. I believe it would.

Q. What?—A. I believe it would be better for the Indians.

Q. Do you think most of the Indians could be induced by you and other more progressive members of the tribe to accept treatment for tuberculosis and trachoma at that hospital?—A. Yes.

Q. What would you think about the establishment of one big hospital, say in the State of New Mexico, where all the Indians in the United States would be sent for treatment?—A. Well, an Indian from this State, I do not believe he could stand as much—stand the atmosphere that they have in certain different States. An Indian would rather go to a home hospital rather than go to a foreign.

Q. Do you think they could be induced to go there at all?—A. I don't believe they would go.

Q. It is too far away from home?—A. It is too far away from home.

By Senator TOWNSEND:

Q. Have you got any trouble with your eyes, Mr. Shuster?—A. Why, a little trouble, yes, sir; quite awhile ago, I was a little boy then, I got hurt.

Q. Yes, I noticed one eye was hurt; do you have any trouble with the other eye?—A. No, sir; not a bit.

Q. You don't have what they call trachoma?—A. No, sir.

(Witness excused.)

Senator TOWNSEND. I wish you would ask the Indian here—I notice there are some Indians who probably cannot understand me—if there is anybody here who has something he wants to say to the commission that has not already been presented to us; if so, we will be glad to hear them.

STATEMENT OF WILLIAM CHARLEY.

William Charley, being first duly sworn by Senator Townsend, testified as follows:

By Senator TOWNSEND:

Q. Do you understand English?—A. Yes; some.

Q. If we could talk to you in English we will get along faster. What is your name?—A. William Charley.

Q. Are you a chief?—A. No; I have done quite a lot of interpreting in different places.

Q. Where do you live?—A. Well, I live on the reservation here.

Q. You have an allotment?—A. Yes.

Q. Eighty acres?—A. Yes.

Q. In the irrigation district?—A. Well, it will be in the irrigation district, but it seems to me they could not reach me with this project system now.

Q. What have you been doing with your land?—A. Doing nothing with it.

Q. Couldn't do anything with it?—A. No; it seems to me they would not give me water out of the creek; I have an allotment alongside the creek, but it seems to me they would not give me water out of the creek because I might interfere with the leases; they had leases, water taken out from the creek right through my allotment.

Q. They would not give it to you?—A. No; they wouldn't give it to me.

Q. What creek?—A. Satus Creek.

Q. Do you have tools and things for farming it?—A. Yes; I have farmed different lands when I could not farm down there; I had a team; I haven't it now. I lost my team last winter.

Q. Died?—A. Yes, died; got colic; before I got back home and had anything to do with it, they died.

Q. Have you got a team now?—A. Well, no. I only got one horse, that would make a good team; I got one small team now, but I do a little farming with it.

Q. Have you testified in the other room to-day?—A. Yes; they asked me only just a few questions.

Q. You told them about these things, didn't you?—A. They asked me about the same things; I told them about the same things. I want to speak about another thing here.

Q. Tell me what you want to say.—A. I want to speak about the banking system of the money. I have seen it and kept track of it and kept figures at different times. The Indians could not understand the banking and I keep following up and looking into this matter and I come to find out that Indians they can not learn how to take care of themselves if the regulation will be followed out that the Government has now. The Government has a regulation—it can not learn the Indians how to take care of their money and it bothers my head, and I wish to state to-day that the Government should make a regulation so as to learn the Indians how to take care of their money. Now, I have seen their moneys wasted in places and he could not get the care of them, and here is another thing—the Indians can learn how to bank their money.

Q. He can learn?—A. He can not learn.

Q. He can not learn?—A. No; because he can not see it. Now, it leaves—the Government has a regulation so the superintendent is the only man can handle the money and that is the only place they have to go to ask for authority if they need a team. Now, when they sell the allotment, inherited land especially, and the money goes to the agency and the agency hands. Well, he sends it over to some bank, to the highest bidder, I think; the highest bidder, the more interest they get out of it. Now, this Indian, you see, don't know where his money went to, where the money goes to. Now, all his expense goes through the authority. Now, he don't know how much interest he is drawing and he don't know how much money he has to use out of this fund and he never see—everytime he spends so much, a hundred for his buildings, his houses, his barns or buying teams or implements, now, he has no certificate to see how much money he has in the bank. Some of the Indians think they have two or three thousands in the bank yet and pretty soon they will run it right up to the last check, it is drawn and they give them the last check and it will surprise the Indian when he has followed up in his mind, or some of them followed it up that are a little educated and keep track of it as near as they can, and everyone of them think they have fell short somewhere.

Q. I can see that very clearly. Now, what you propose, John, as a remedy? How would you change that?—A. Well, I would change it this way: If the Indians sell allotments and had the money and have it for him to bank, put this money in the home banks with the superintendent or overseer of the Indians; take them to the bank and put the money for them, or in it, and show them certificates of how much money they have got there. Now, everytime he wants anything, draw out money out of the bank, he must go here to the bank and draw this money in the presence of the superintendent, present in the bank and see how much they would draw. Now, the banker, he give them another certificate of how much money they have in the bank; let him see that so he will understand he has got in the bank. Let the bank run on again with the money there; anytime he needs any more, go up to the agency and tell them, "I want to get some more money of a certain bank." Well, let the superintendent or someone give them authority to go there to get this, or the superintendent to go with him or some farmers to go with him and see that he draws out so much money and the Indian sees he draws out that much himself. Now, by making these checks in the bank—now, I learned this from my father-in-law; I looked after his matters last year; he got hurt and went into the hospital and came to find out he had a little over a hundred dollars in the agency; of course, the hospital fees—the bill was sent up to the agency and they were willing to pay it; they paid somewhere over \$23 and different expenses. The doctor fee was \$75. The doctor sent his last bill up there, his last one or two; I went up with that bill myself, up to the agency, and laid that doctor bill before him.

Now, I said, "Here is \$75, my father wants to pay it;" I walked into the bank and they opened up the book and told me "There is only \$52 here for him. Now, he ain't got \$75." Now, he said, "Will that do to give this \$52 to the doctor and we will try to settle this doctor bill with this \$52—shall we ask for authority of the department to make this check to the doctor of \$52 for the settlement?" All right. I told them to ask for the authority. So the authority went and it

came back. My father never touched that \$52 there. I had a little book, a memorandum in my pocket; there was \$52 there.

When the check was made to the doctor from the agency they made out the check there for \$46. The check was sent down here to Wapato for my father to indorse the check so he could send it over to the doctor, so he indorsed it and it was \$46. Well, then, we knew we had the difference up there, the difference between \$52 and \$46 up to the agency. We goes up there and he says, "You have drawed all you had." Where does it go to? We don't know; we can not get track of it; I can not get hold of it.

Q. Have you brought this up to the superintendent, called his attention to it?—A. I went up and looked for it; he opened up the books and said, "You drawed all of it;" of course the book, that is all we can get out of it.

Q. Now, you take in your case, I can see there is some force in what you say, your idea being to have some system which will show the Indian himself just what is going on; but a great many Indians, and there are many of them, you know, that are dealt with in the department who can not write; their mark would be made on there if they indorsed it as you suggested; that would be no check on it; if that was true, those marks could be put on there by anybody, but we have your suggestion there; I will talk it over with the superintendent and with the commission and see if there is not something we can see somewhere under your suggestion, something that would appeal to the Indian and show him that he was being dealt fairly with, that would be most desirable.—A. Yes.

Q. I can see that.—A. And after awhile I am going up there to the fort again and investigate this a little more, a second time to see if we can not find the difference between the forty-six and fifty-two dollars.

Q. There is certainly some way to find it; if you have sent it they ought to have some way to show where it was sent.—A. Yes.

Q. Is there anything further you want to say, John?—A. Well, I would like to say about taking out water out of the Satus Creek myself, so I can farm my own allotment.

Q. Did you talk that over in the committee?—A. No.

Mr. CARTER. Well, they are taking testimony about that in there now; if you will go over there you can tell them about that.

Senator TOWNSEND. We don't want to take up water matters in here if we can help it.

(Witness excused.)

STATEMENT OF R. H. LILLY.

R. H. LILLY, being first duly sworn by Representative Carter, testified as follows:

By Representative CARTER:

Q. Mr. Lilly, are you an allottee of the Yakima tribe?—A. Yes, sir.

Q. What part blood are you?—A. Quarter.

Q. You have been to school, of course?—A. Yes, sir.

Q. What school did you go to?—A. Well, I was born and raised right here in the reservation; my father was the first white man ever on the reservation, and he always had a private school teacher for his children; there was six or seven of us in the family.

Q. You were educated by a governess or private school teacher?—

A. Yes, sir, until I believe I was about eight years old and my father sent me—we went to Portland, then we went to school there; we rented our land and that kept us up.

Q. Did you go to the public schools there?—A. Yes, sir; and then from there I went to business college and studied awhile there.

Q. Where is your allotment?—A. Just about a mile—just a mile from the depot north of the high school.

Q. Does it have water on it?—A. Yes; my father put the first ditch that was ever put on this reservation.

Q. Do you have all the water you need?—A. Well, no, I do not; but then the ditch was built by my father for just our land that was allotted for his children; of course there is other land under the ditch now, but my complaint I wanted to put in was, I have got a child and I got him allotted, and to tell the truth about the matter I am afraid to rent this land under the agent—the last two agents we have had.

Q. What is the trouble? Just talk frankly to us; we want to hear the full facts about it.—A. Well, this proposition I would be glad to have you see the papers; I have dealt with Mr. Young; that was when I first made up to take my land back and farm my own ground, and I have been farming it now for years.

Q. That is your own allotment?—A. That is my own allotment. I have farmed it for two years, but the Washington Nursery Co. has had it, and I made a Government lease; they forced me to rent through a Government lease, which I had to do, and I rented for a term of five years—term of three years with a privilege of two more; that made five years.

Q. That is, the renter had the privilege? A. Yes; three years, or a privilege of two more, so he put it in nursery stock and the land was pretty foul when he got it and the reason I rented it to him I was not of age then. My mother rented it for us. Mr. Whorl was Government farmer at the time and they were to turn the land back to me in No. 1 condition, as I was going to farm it myself; and their blanks that we have to fill out, you know, says "No subleasing nor anything like this and that"; this man, this Washington Nursery Co., subleased this ground at the end of the second year that he had it to a person by the name of Madden and Chandler. I have the affidavit to that. They took it and let it all grow up to cockle-burs; there wasn't a square inch where they were not laying and they were standing higher than your head. As proof of that, I have the photos of the ranch, not in one place but all over. I took Mr. Phillips, the Government farmer, and he thought I ought to have damages; they were going to turn the farm back to me at the end of the third year; they did not want it. I was willing to accept. I wrote to Mr. Young in regard to the matter and it seems as though Mr. Young was bought off and would not protect me as a ward of the Government. Yet he forced me to rent through the Government and would not protect me. He seen I was crowding him so heavy; he asked to be changed before I got my work in on him; he got out of here. I don't know where he is now. And then Mr. Carr came in and I asked him through my mother and witnesses if he would not look after the matter for me, and he said it was beyond his control now, that he could not do it. I said I have my papers and everything to show and I have

got an attorney to pay for this, and I says it seems funny you people force us wards of the Government to rent this way and not protect us when we are unprotected the way they handle it.

Q. You can not bring suit yourself?—A. No, sir; only through the United States Government; I was told that, but I had to go to a lawyer, I am not educated enough.

Senator TOWNSEND. You have a patent to the land?

A. Only a trust patent. I am not educated enough to go ahead and go right through and plead as some attorneys would, get up the writings and anything like that, and I wanted Mr. Shay to do this work for me. Mr. Young told around—not Mr. Young but Mr. McDonald, told a number of them, he says, “Young Lilly has got him, got him good if he wants to push it, but I am going to offer him \$25” and I have the proof to that effect that he said that, but it seems as though—whether they are allowed to do this or not—that the Washington Nursery Co. is an incorporation and McDonald will get out and rent the land and then the corporation will go his bond.

Q. Who is McDonald?—A. McDonald is the man—he is President of the Washington Nursery Co.; he will go out and rent land and then Wiggins and the Nursery Co. will go his bond.

Q. Now, what you want is the right to bring suit in your own name to try to recover damages for the condition your land was in?—

A. I don't care now whether this is ever taken up or not; only I was just going to show that I have a child that has an allotment and I am afraid to rent through the man up here because it seems as though Mr. Young instead of representing and protecting the wards of the Government, he is protecting the white owners.

Q. Well, is Mr. Young here now?—A. He was here at that time.

Q. But is not here now?—A. No; but I know when a person gets fooled and stung like that, gets stung that strong, and has cockleburrs and stuff in his field like that, and Mr. McDonald would offer me nothing in any way, shape, or form except \$25.

Q. What would you like to do about it, Mr. Lilly?—A. I believe I ought to have damages yet out of it some way.

Q. What do you want us to do?—A. It has cost me to go ahead and take all them weeds off, and I pleaded with Mr. McDonald at the time, when the weeds were green, to get them off or let me go and do it. He said he would do it, but never did do nothing; they got good and ripe.

Q. What would be your request of us?—A. Only what is a fair proposition—I can show you—I would rather just take the papers right from Young, and I can show you the writing I put up to Young and the answers he gave me protecting this corporation.

Q. Is Mr. Young still in the service, do you know?—A. I guess he is. He was transferred from here, and I would just as soon show my papers because it is just like that. If he will do that kind of work here and he is still in the service, he will go out and do others.

Q. Why don't you just take your patent in fee, Mr. Lilly?—A. Why don't I?

Q. Yes; and manage your own affairs. You are as competent as I am to manage mine?—A. Well, I will tell you as far as that goes. If I had to deal with such people as those that have the land I guess I could do it better than the agent that was up there.

Q. I would think that would be the sensible and logical thing for you to do.—A. Well, I am not anxious for a patent until I have to have it.

Q. You don't want to pay taxes?—A. That is the idea, and I won't rent through such folks as we have had up there again. I will take and rent the land myself and try to handle it all.

(Witness excused.)

STATEMENT OF JOHNNY JOHNSON.

JOHNNY JOHNSON, being first duly sworn by Representative Carter, testified as follows:

By Senator TOWNSEND:

Q. What is it you want to say to us, Mr. Johnson?—A. Well, now, friends, I don't want to tell no stories at all to take up time, and one of the main points is just what I want to say—when our sawmill burned down in our reservation—we had a good sawmill and our sawmill was burned down by the white-men's carelessness to our sawmill. Now, you see, we haven't had no sawmill since, and here we talk about our timber—and our delegates went to Washington to find out about the \$27,000 at Washington belonging to the Yakima Indians. That is from our ranch money—out of the ranch money, \$9,000 belonged to the Yakima Indians, as Mr. Chief Waters and Mr. Tell went to Washington and brought a little slip back that there was that much money left, and told me, "You have got \$9,000 more belonging to this Indian, Yakima. Now, you go back to your country and decide what you are going to do with that \$9,000; what you want to do with that \$9,000. Do just what you want. It is your money." Now, here they come back and hold council. He said, "When you go back to Yakima council, you hold council with your Indians as to what you are going to do with that \$9,000." Some of our friends decided that he used this \$9,000, used expenses, go to Washington to see about our water troubles and anything else. I said, "Now, here, friends, we have been talking about our timber. I say we want our timber, and what do we want our timber for? I say, we want our timber, use to saw timber, make lumber. Now, see here, a good many of us people here on the reservation have barns; it looked to be an awful shame. Some of our people come in here and get an allotment and they live in tepees and while we have millions and thousands of timber in the mountains, and here is a little money we have got. It is very good chance for us to ask Government why can't Government help us to put a little money of this \$9,000, make use of that and build Indian sawmill; so they all agreed. They all say, "Yes, Mr. Johnson, you are right: that is right, we need sawmill, and there is lots more people could make good house that live in tepees, and there is lots of people got no furniture, and there is lots of people got no fence, and there is whole lot more allotments coming in has got to make good house. There is lots of children in the school. What are you going to do—we better have sawmill here so it will make our country improved, our homes, have good houses and have good barns.

Q. Where would you have this sawmill located, Johnny?—A. Why, have this sawmill located over there where we had it before.

Q. Here near Toppenish?—A. No; up by the fort.

Q. Up in the forage where the timber is?—A. Yes.

Q. Whose timber would you cut?—A. The timber belonging to the reservation; everybody—whoever cuts—well, now, this is the way we decided, whoever cuts and hires an Indian and he pays the Indian and that man cuts timber and makes lumber off the timber because it belongs to all the Indians.

Whereupon the commission adjourned until 10 o'clock a. m., Wednesday, October 1, 1913, Fort Simcoe, Wash.

WEDNESDAY, OCTOBER 1, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS, *Yakima Indian Agency, Fort Simcoe, Wash.*

The commission met at 10 o'clock a. m., pursuant to the call of the chairman.

The following members were present: Senator Charles E. Townsend and Representative Charles D. Carter.

STATEMENT OF HARRY B. MILLER, CHIEF CLERK, YAKIMA AGENCY, FORT SIMCOE, WASH.

HARRY B. MILLER, being first duly sworn by Senator Townsend, testified as follows:

Examination by Senator TOWNSEND:

Q. What is your name?—A. Harry B. Miller.

Q. How old are you, Mr. Miller?—A. I was 28 years old July 25 last.

Q. What is your official position?—A. Clerk, Yakima Indian Agency, Fort Simcoe, Wash.

Q. How long have you been in that position?—A. I have filled this position since December 8, 1908.

Q. With whom have you served?—A. You mean here?

Q. Yes; here.—A. I have served under former Superintendent S. A. M. Young and the present superintendent, Mr. Don M. Carr.

Q. Was Mr. Young superintendent when you came here?—A. No; he was not; he did not assume charge of this agency until January 14, 1909. From the time I reported for duty here until January 14 a special agent was in charge.

Q. Who was that special agent?—A. W. L. Miller.

Q. Was he any relation of yours?—A. Yes, sir; he was an uncle of mine.

Q. Where is your home—where was your home prior to coming here?—A. I had gained a legal residence—my last legal residence prior to reporting here was in Oklahoma, where I spent a year and a half.

Q. In what capacity there?—A. On May 6, 1907, I assumed the position of clerk for the Kiowa town-site commission which was appointed to dispose of six town sites in the Kiowa Comanche in southeast Oklahoma. I filled that position until about the last of August, 1908—that position until August 28, 1908. On that date I entered on duty as assistant clerk at the Kiowa Indian Agency, Okla.,

as a permanent appointee as a result of my having successfully passed a civil-service examination for departmental clerk.

Q. What was your salary as assistant clerk there? A. My salary there as assistant clerk was \$720 per annum.

Q. How long did you receive that salary?—A. As I recall, I drew this salary until I reported for duty at Yakima, which was December 8 of the same year.

Q. What was your salary when you entered upon your work here?—A. \$1,000 per year.

Q. How long did you continue to receive \$1,000?—A. I received \$1,000 per annum until May 1, 1909, as I recall now. The records will show that. I think that was the date.

Q. Then was your salary increased?—A. It was then increased to \$1,200 per year.

Q. How long did you draw \$1,200 a year?—A. I will have to do a little figuring—

Q. I don't care so much about its being accurate—simply in a certain year.—A. I think I can get it for you very accurately here. As I recall, I drew \$1,200 per annum until July 1, 1910, when I was promoted to \$1,300 per annum.

Q. What is your salary now?—A. My present salary is \$1,500 per year.

Q. When did you commence to draw that salary?—A. On or about August, 1911, my salary was increased to \$1,400 per annum, and in March, I believe, of 1913, it was increased to \$1,500, as I understand, upon the recommendation of Supt. Carr, who, however, had recommended in July, 1912, that my salary be made \$1,600 per annum.

Q. What are your duties as clerk, Mr. Miller, in a general way?—A. My duties since assuming my present position at this agency in general have been that of chief clerk. I have always been placed in charge during the absence of the superintendent, when all matters of policy which should properly be disposed of without his personal attention were acted upon by myself.

My work directly has been in connection with the financial phase of the work, including the official cash account and the individual bank account, as well as supervising to an extent various other lines of clerical work.

During two or three years of the time our work was very heavy, and during which time we were receiving numerous applications for enrollment from various Indians, and I conducted practically all of these examinations, taking the testimony and affidavits from the applicants and preparing them for submission to the council composed of members of the Yakima tribe.

Q. Now, in relation to the enrollment matters to which you have referred, do you pass upon the eligibility of the applicants for enrollment?—A. No, sir; I did not. I merely took the testimony, prepared the affidavits, took the acknowledgments in most of the cases of the applicants, as I was a notary public, and then conferred with the superintendent in regard to them, either before or after the date of the tribal council.

Q. Do your duties take you away from this office very much?—A. Very little.

Q. Are you familiar with the reservation generally?—A. Yes, sir; I would consider that I am, considering that I had been on the reser-

vation for five years and have necessarily kept in very close touch with all phases of the work.

Q. Are you familiar with the locations of the lands on the reservation?—A. Generally so; yes, sir.

Q. Are you acquainted with many of the Indians personally?—A. I would consider that I am personally acquainted with a very large majority of the enrollment.

Q. Are you acquainted with the business men near the reservation, for instance, in North Yakima and other places tributary or adjacent to the reservation?—A. Yes, sir; I am, necessarily, on account of having transacted business in behalf of the agency with the general public as well as the Indians for the past five years.

Q. Where do you keep the funds of the individual Indians?—A. We have individual Indian funds deposited at the present time in the First National Bank at Sunnyside, Wash., American National Bank of Pendleton, Oreg., the First National Bank of Ritzville, Wash., and the Pioneer National Bank of Ritzville, Wash., as well as the Indian moneys to the official credits of the superintendent which are carried in the First National Bank of North Yakima.

Q. Do you handle the money itself or any part of it?—A. You mean the actual cash?

Q. Yes.—A. No, sir; if I understand the question, I do not. All of our business is transacted by some form of exchange, and it merely passes through my hands in going for deposit.

Q. The actual money comes into your hands personally here, does it not, and you deposit it?—A. Not in actual cash. It is in some form of exchange, checks or drafts, or something like that. No cash whatever. We do not carry any cash on our books at all. We do not keep official cash on hand, unless it is, maybe, a small amount of cash at the close of a quarter, that you have collected from the sales of supplies or something to the employees, but the question as I understand you was the funds that belong to the individual Indians?

Q. Yes; you are familiar with the lands that are sold belonging to the estate of Indians, are you, generally?—A. Yes, sir; I would consider that I am.

Q. You know something of the value of those lands?—A. I naturally would be familiar with the valuations of lands on the various portions of the reservation, having been here for the period hereinbefore stated.

Q. Are you called upon at any time to appraise those lands? Is that a part of your duty at any time?—A. No, sir; it never has been my regular duty to appraise lands. As I recall at one time I was asked by former Superintendent Young in regard to a tract of land and as I remember it I placed the appraisement, but this is the only case I have any recollection of.

Q. What is your method of appraising lands which are to be sold?—A. The lease clerk who has charge of the land sales and lease sales and who prepares all papers in connection with those phases of the work, prepares the regular blanks provided for that purpose and either mails them out to the district farmers or hands them to the superintendent should he prefer to make the appraisements himself. After which and before the required time the appraisements are made and if made by the farmers are made to the

agency, held by the lease clerk and as I recall under former Superintendent Young were always sealed and placed in the vault or safe until after the bids were opened on the day of the sale. This of course applies to the time when the former regulations were in effect when appraisements were not published.

Q. They are now published, are they not?—A. They are and have been as I recall since November, 1910.

Q. From your knowledge, what can you say as to whether the sales are less or whether they exceed the appraisal value put upon them—that is, whether the sales are greater or less—the amount of the sales greater or less than the appraised value that the superintendent or farmer puts upon the tract?—A. The sale values are always necessarily greater than the appraised value, as no lands are sold for less than the appraisement.

Q. That is another way of answering my question. What I was getting at, that no sale is made unless it equals the appraised value.—A. That is correct; yes, sir.

Q. Then, do they generally exceed the appraised value?—A. Yes, sir; and usually to a considerable extent. As I recall, there have been very few cases where the sale value was only slightly greater than the appraisement.

Q. You don't know probably what actuates the appraiser, the superintendent or farmer in placing a lower value on the tract than it is actually worth as shown by the sale.—A. I do not; no, sir. In this connection I wish to state that it has always been considered a difficult matter to appraise lands on this reservation, due to the high speculative spirit which prevailed for several years, and to the further fact that there is such a great variety of land on the various sections of the reservation and within a comparatively small area. It might be stated here that we had bids made on lands from parties who had never been on or near the reservation, and as a result their bids were "wild," namely, decidedly low or decidedly high. I remember at different times during the times when the appraisements were not published that there would be bids ranging from 50 per cent of the appraised value to 150 per cent thereof.

Q. Has that difference prevailed since the appraisals were made public?—A. No, sir; necessarily not, for the reason it was stated in the advertisement that no bids would be considered at less than the appraised value. As I recall, there was no difference noted in the amount that the bids would exceed the appraised value, however.

Q. Can you state from your experience whether a better price, measured by the appraised value, was obtained under the old system than is now obtained?—A. It would not be fair to make such a comparison here, for the reason that all lands in this general locality have decreased in value decidedly since about the time or soon after the time that the new regulations went into effect. Therefore I would not consider that a fair comparison could be made.

Q. Well, that might be; but will you state the facts whether or no a larger price was obtained at the time that the appraised values were secret—held in secret—than is now being obtained when the appraisals are made public?—A. Yes, sir; the lands which sold during the time the appraisements were not made public were much higher than those obtained since that time.

Q. Were they generally much higher than the appraised value?—
A. As I recall, they were often much higher.

Q. Are they now much higher than the appraised value as a rule?—
A. At times, as I recall; yes, sir.

Q. But generally under the latter rule are not the prices approximately what the appraised value is?—A. No, sir; I do not understand that they have been. It should be understood, however, that the number of sales have been very few during the past year or so, which covers a large part of the time since the new regulations went into effect.

Q. Is there any advantage to the purchaser to know what the appraised value is?—A. I don't know how the purchasers look at this question. It would undoubtedly prevent some bids being submitted should the prospective purchaser not be willing to pay the amount of the appraisal, whereas under the former rule he would have submitted that bid anyway.

Q. Is it customary, so far as you know, for employees of the Government service to deal in Indian lands?—A. No, sir; I do not know that it is customary.

Q. Do you know of any cases where the employees of the Indian Service have dealt in Indian lands?—A. Yes, sir.

Q. You have dealt in them yourself, haven't you, Mr. Miller?—
A. Yes, sir; I have.

Q. Do you know of any other cases?—A. No, sir; I don't have exact knowledge of any other cases.

Q. When was the first time that you had any transaction in reference to Indian lands which was personal to yourself?—A. It was in the fall of 1909 and on the day following a sale of Indian lands at the agency. I am not positive as to date, but as I recall the sale was on December 20 and my transaction was on December 21. However, should I not be correct in these dates, I wish it understood that my transaction was the day following the date of the sale.

Q. Very well. What was your transaction, Mr. Miller?—A. I was in Toppenish on December 20, as I recall (see answer above), and drove into the country west from Toppenish and looked at two or three tracts of land which were advertised for sale on that date. Among them being a 40-acre allotment of Joe Pollywacka, which was the only tract that interested me, and upon my return to Toppenish that evening I telephoned the agency and inquired the result of the land sale on that day, and upon receipt of that information I observed that the said Pollywacka tract had been purchased by one A. J. Rohrer, then a resident of Wapato, Wash.

On the following day, and as I recall, December 21, I drove to Wapato on my way home to the agency and called upon Rohrer and advanced the question of my purchasing this tract of land from him. I offered him several hundred dollars in advance of his purchase price—

Q. Do you remember what the purchase price was?—A. As I recall, it was \$2,704.

Q. Do you remember what the appraised value of that piece of land was?—A. I do not.

Q. How much more than \$2,704 did you offer him?—A. I don't recall exactly; all I remember is it was a few hundred dollars in advance.

Q. Very well; go ahead; go on from there.—A. Mr. Rohrer stated to me that there was another party whose name I have never learned in the purchase, and that he would confer with him and let me know later, which closed our conversation, and I returned to the agency.

Later he advised me that he would be willing to return the tract to me and that he would not add any additional payment providing I took it off his hands soon, thus not requiring the use of his money for any considerable time.

I agreed to this, and in due time the necessary papers were executed, and I had the funds delivered to him.

Q. Do you have any means or any income from any source aside from your salary?—A. I do not, except a very small amount of interest from some small savings that I have at this time.

Q. Which savings you have made out of your salary?—A. Yes, sir; with the exception of an interest in a small feed business which I owned in Iowa for one year, having sold the same in June, 1913. However, this was only purchased during the summer of 1912.

Q. And you purchased that from your salary, did you?—A. I did; yes, sir.

Q. Had you been acquainted with Rohrer prior to this date?—A. I had met Mr. Rohrer when he would be at the agency occasionally. I was not extremely well acquainted with him, but had met him.

Q. He is a white man?—A. Yes, sir.

Q. What would be his business in the agency?—A. In those days there was considerable land being sold, and it was the custom of the prospective purchasers throughout the valley to come to the agency on the day of the sale and be present whenever the bids were opened; generally so.

Q. Was Mr. Rohrer in the habit of dealing in Indian lands?—A. Yes, sir; he was in the general real-estate business in Wapato.

Q. And he dealt somewhat extensively in Indian lands?—A. I would not say extensively. I would not recall exactly whether he bought many tracts or not, but I know he bought lands at times.

Q. At this sale, when the Pollywaka tract was sold, did Mr. Rohrer buy any other lands than the Pollywaka tract?—A. I don't recall.

Q. Had you had any talk with Mr. Rohrer prior to the sale of this land in reference to that tract?—A. No, sir; I had not.

Q. Had you or he discussed either verbally or corresponded through the mail with reference to the transaction prior to that day?—A. No, sir; I had not.

Q. Was Mr. Rohrer under any obligations to you for any favors you had rendered him?—A. No, sir; absolutely none.

Q. How do you account for his bidding in this piece of land and then selling it to you for exactly the same price he did when he could have received an additional sum from you if he had wanted it?—A. I can not exactly account for his action. I was at that time young, inexperienced in the service, and he may have thought that he would, on account of this action, endeavor to gain favor in the future. This, however, never occurred to me at the time and did not until several years after when I became more experienced in business in the service.

Q. Were you in a position to grant favors?—A. I would not consider that I was, as my position was that of a subordinate at the agency

and in matters of importance by which he could have benefited would properly and necessarily have gone through the superintendent.

Q. At that time the appraisments were not made public, were they?—A. No, sir; they were not.

Q. Would you have been in a position to have told him what the appraised value of the Indian lands were?—A. I would not have been in such a position; no, sir; as I never saw the appraisments prior to the opening thereof; after the bids had been opened on the day of the sale, of course—

Q. Do you know whether Rohrer was familiar with this piece of land or not, this Pollywaka tract?—A. I do not. Of course I suppose he had seen the tract prior to the time he bid on it as he was living on the reservation and would naturally not place a bid upon land unless he had seen it. But I have no knowledge of this one way or the other.

Q. Were there any other bids at the sale of this land than the Rohrer bid?—A. As I recall there were six or eight bids.

Q. And Rohrer's was the highest bid?—A. Yes, sir; necessarily so, or this land would not have been sold to him.

Q. You own that tract of land now?—A. No, sir; I do not.

Q. What did you do with it?—A. In March, 1910, I had the land cleared of sage brush, plowed, leveled, properly ditched for irrigation, fenced, seeded to grain and alfalfa, and later in the season sold the same.

Q. What did you receive for it?—A. I received \$140 per acre or \$6,600 with a cash payment of \$2,500 and with \$3,100 represented by deferred payments, namely \$600 due in one year, \$1,250 due in two years and a note of \$1,250 due in three years. As I recall I believe this is correct.

Q. By the way, was the Rohrer bid a cash bid?—A. Yes, sir; it was.

Q. Did you pay cash for the land?—A. I sent east to Iowa for all the money which I had saved during my lifetime up to that time, which was approximately \$2,000, this having all been saved by working on a salary. I then borrowed \$700 and paid cash for the land.

Q. What was the next transactions that you had in relation to Indian land?—A. The same question of dates comes up there.

Q. Well, the record shows those bids were opened on March 20, 1911, at the time the Martin tract was sold.—A. I don't recall the exact date.

(Question read.)—A. On March 20, 1911, W. L. Powell of North Yakima, Wash., purchased 40 acres of the James Martin allotment situate in the eastern part of the reservation and a few days thereafter, as I recall, March 23—no March 22, I believe—I went to Toppenish, there secured a team and drove to the location of the land in question and carefully inspected the same, returning to Toppenish, and the following morning went to North Yakima, where I called upon Mr. Powell and advanced the question of purchasing this tract of land from him, and after considerable deliberation he agreed to sell me the tract in question at the same price which he had paid therefor, stating that he had sufficient land to supply his eastern customers and for the further reason that he would have his money in the land only a short time.

Q. What was Powell's business?—A. He has been dealing in land generally, as I understand, for a good many years, prior to which time he was in Alaska.

Q. You are well acquainted with him?—A. Yes, sir.

Q. And were at the time you made this transaction?—A. Yes, sir.

Q. Had you had any business relations with him prior to this?—A. No, sir.

Q. Had he ever accommodated you in any way with money or anything else?—A. No, sir.

Q. You never had borrowed any money of him?—A. No, sir; I never borrowed any money from him. At one time, when I sold the said Pollywaka tract of land hereinbefore referred to, he cooperated with the party to whom I sold the same and forwarded their contract to me with a sum of money which applied on the sale, and I don't know whether this was all his personal money or whether a part of it was and the rest was from the purchaser, as he handled that at that end of the line; but I received the money, however, to apply in that sale, and I was anxious to receive that as early as possible after the sale of the land in order that I might take up my note for \$700 hereinbefore referred to.

Q. That payment to which you refer now was in excess of the amount due on the tract at that time, was it?—A. No, sir; I don't recall that it was. As I remember it included the first payment; that is the way I remember the case.

Q. You are not clear now as to whether there was not more money paid to you at that time than was actually due on the contract?—A. The circumstances as I recall are that the contract that was executed was to be effective only until the sale was approved by the Government, at which time a deed was to be executed and then the full payment of twenty-five hundred hereinbefore referred to was to be paid.

Q. Did you sell that land on a contract before you actually received a deed?—A. No, sir; a deed had been executed to him and placed in escrow, but the same was not delivered to him until the sale was approved by the Government.

Q. Was the land first deeded or a patent first issued to Rohrer on that piece of ground?—A. Yes, sir.

Q. And that was recorded, was it?—A. Yes, sir; as I recall it was.

Q. Rohrer paid the money for it?—A. I presume so, I don't recall.

Q. Then Rohrer gave a deed to you and placed it in escrow?—A. Mr. Rohrer executed a deed in my favor and placed it in escrow.

Q. And you had paid him for the land when that was done?—A. Yes, sir.

Q. Now tell me whether Mr. Powell at this sale in 1911, this land sale, purchased any other lands than the Martin tract.—A. I don't recall as to this point; the records show for themselves.

Q. Do you know whether he was buying Indian lands when sales did occur?—A. Yes, sir; he did at different times.

Q. Quite extensively?—A. Yes; I would consider so.

Q. Do you know why he sold this tract of land to you for the same price that he paid?—A. I don't know exactly, no, sir; only the statement he made to me at the time which I have quoted hereinbefore relative to his eastern purchasers, and only having his money invested a short time.

Q. Well, he was not making anything on that investment at all, was he?—A. No, sir.

Q. Had you had any talk or correspondence or any talk or understanding with Mr. Powell prior to that sale in March, 1911, to the effect that you were to take this land from him?—A. No, sir; I did not.

Q. You never had discussed it with him or had any understanding with him prior to that date?—A. No, sir; I had not.

Q. You were familiar with the tract of land?—A. Prior to the sale you mean?

Q. Yes. A. No, sir; only in a general way as I knew the general locality in which it was located.

Q. You had driven out that day?—A. But I inspected the particular tract the day prior to the time I called on him at North Yakima, which, however, was all subsequent to the date of the sale and after knowing that he had been the successful purchaser.

Q. Do you know what that land was appraised at?—A. No, sir; I don't recall.

Q. Do you remember what Powell bidded it in for?—A. As I recall it was \$2,800.

Q. And that was the amount you paid?—A. Yes, sir.

Q. Were there any other bids for that tract of land?—A. Yes, sir; as I recall there was one other bid.

Q. Do you remember what that was?—A. No, sir; I don't.

Q. Was it considerably less than the Powell bid?—A. I don't remember.

Q. You know who bid? Who made the other bid?—A. I know at this time.

Q. Who was it?—A. As the matter was called up a few days ago and the records were consulted— at that time I did not recall who the party was and did not know the party in question.

Q. Who was the party?—A. It was a Mr. Britain.

Q. Were you acquainted with him?—A. No, sir.

Q. Where did he live?—A. As I recall his post-office address as shown by the land-sale card when it was reviewed a few days ago was Toppenish.

Q. Do you know whether there was any understanding between him and Powell with reference to these bids?—A. I do not; no sir.

Q. Did you have any understanding with either of them?—A. I did not; no, sir.

Q. Did you indirectly, through anybody else, have any or make any arrangement with these people?—A. No, sir; I did not.

Q. What did you do with this piece of land?—A. I still own this tract of land.

Q. Have you improved it any?—A. No, sir; I have not been financially in a position to do so.

Q. What improvements are there on this piece?—A. Absolutely none.

Q. It is just sagebrush?—A. Yes, sir; there is no fence around it. I say absolutely none; this is correct; this piece of land I do not consider is worth as much to-day as when I bought it, as all lands in this locality have depreciated in value.

Q. Did you pay cash for that?—A. No, sir; it was bought on the deferred-payment plan, one-fourth cash and the other three-fourths in three equal payments at the end of one, two, and three years.

Q. Was a deed issued to Powell for this piece of land or a patent?—A. No, sir; a memorandum of sale was issued, approved by the Secretary, which is authority for title until such a time as he completes all the payments to the Government and the patent in fee is issued.

Q. Did you make the payments through Powell?—A. I bought the land from Mr. Powell, and made the payments to him, as were agreed upon between himself and I.

Q. Which went to the Government?—A. What is the question?

Q. These payments went to the Government or to the department for the benefit of the Indians?—A. Mr. Powell has made the payments from time to time when called upon by the Government; yes, sir.

Q. And you have made the payments to Powell?—A. Yes, sir; I have fulfilled my agreement with Mr. Powell.

Q. You turned this money over to Powell and Powell pays according to the contract of sale with the Government?—A. I have made the payments from time to time as agreed between Mr. Powell and I to be made and, as stated above, he has made the payments to the Government as required by the notes and other papers which he signed for the Government.

Q. And he has received nothing and is receiving nothing himself for all of this trouble which he is being put to in the completion of this transaction?—A. No, sir; at least he has never asked me for anything to date. I will no doubt when the sale is completed offer to pay him for his services.

Q. Have you any understanding with him to that effect?—A. No, sir; absolutely none; it has never been mentioned.

Q. Have you had any other transactions with him aside from matters in relation to Indian affairs?—A. No, sir; I have not.

Q. Never borrowed any money from him?—A. No, sir; the only transaction relative to money was that hereinbefore referred to.

Q. You never have loaned him any money?—A. No, sir; I have not.

Q. Have you ever performed any services for him of any kind?—A. No, sir; I have not.

Q. Has he ever asked you to perform any services for him?—A. No, sir.

Q. Has he ever asked you for any information with reference to Indian affairs?—A. Nothing, except that which could be properly and legally furnished when he was transacting business with the agency.

Q. Well, did you have any other transaction with reference to Indian matters with Mr. Powell aside from the Martin matter?—A. No, sir; I did not.

Q. You are positive that that covers all of the transactions you have had with him?—A. Yes.

Q. Well, have you had any transactions with any other person aside from the Rohrer and Powell matters?—A. The question of dates comes in there again.

Q. Well, you can answer yes or no to that question; have you had any transaction?—A. Yes, sir; I have.

Q. With whom?—A. With one R. B. Brown, of North Yakima, Wash.

Q. What is his business?—A. That of a nursery man and farmer

Q. On the reservation? He conducts his business on the reservation?—A. Yes, sir, both on the reservation and elsewhere, as I understand.

Q. Has he bought lands at the Indian sales?—A. Yes, sir; he has purchased Indian lands at different times during the last five years.

Q. About how many transactions has he had, if you recall?—A. Well—

Q. About?—A. I don't recall; I remember that he was owning land and living on the reservation when I came here, and I only recall his having bought three tracts at Government sales in the last five years.

Q. Well, what was your transaction with him; did you have more than one?—A. Yes, sir; I had two.

Q. Describe the first one?—A. In the spring of, I think, that was 1911.

Q. Well, go ahead and we will fix that date. Never mind we will strike out when it was; what was it?—A. Mr. Brown was improving a larger area of land which he owns north of White Swan on the reservation and had purchased a tract known as the Epas-Susana-Edian allotment. He complained to me of being short of funds to carry on his proposed improvement and applied to me to borrow some money, which I stated I could not do as I was not in the habit of loaning money, and furthermore I would not be justified in removing the small amount of money which I had in the bank on savings account for the difference in interest.

I stated, however, that if he would consider allowing me an interest in said tract of land which he had purchased a short time prior thereto I would consider making the funds available. And after considerable consideration he stated he would do so, and he executed two contracts, one never having been signed while the other was signed, and I delivered to him, as I recall, approximately twelve hundred dollars.

Some time afterward he came to me and stated that he was considering selling all of his interests in that vicinity and would prefer not to carry out the agreement in question, which provided that the land should be improved and placed to orchard and cared for for a period of four years, at which time he would deed to me a half interest therein.

It was then agreed verbally between us that the contract in question would be considered null and void and canceled, and he specifically instructed me to destroy the same which was in my possession, but I failed to do this.

It was further agreed between us verbally that he could retain the money I had delivered to him for use in connection with his improvement and he should sell the land and would allow me one-half the profit for and in consideration of the use of the money I had so delivered.

This was all verbally, and the matter stood thus. Later in the same year he sold the land and returned to me the money I had loaned with one-half of the profits, I suppose. I only had his word in the matter, but did not question it, and consider that he treated me fair in the matter.

Q. What was your half of that excess?—A. As I recall, it was approximately \$955.

Q. How long had he had the \$1,200?—A. He had received it some time in the spring and subsequent to the time he bought the land in question; I don't remember the exact date, and it was some time

during the fall when the funds were delivered; I don't recall the exact date.

Q. So that you received \$900 for the use of the \$1,200 from spring until fall some time?—A. Yes, sir; I did.

Q. \$975. Did you have any note or other evidence of security from Mr. Brown for this money you let him have?—A. Absolutely none; no, sir. It was entirely a verbal arrangement, as hereinbefore stated.

Q. Are you in the habit of loaning money without taking any evidence of indebtedness?—A. No, sir; ordinarily I would not be, but I thoroughly trusted Mr. Brown, and the facts are as above stated, exactly.

Q. How long after Brown bought the Indian land did this transaction occur between you and Mr. Brown?—A. As I recall, it was not a great while, but I don't remember exactly.

Q. Within a few days, was it not, when you did this?—A. No; as I recall, it was a few weeks.

Q. Had Brown paid for the land?—A. As I recall, this was a deferred payment sale—one-half cash—and whether he had made the remainder of the initial payment in excess of the amount that would be required to be deposited with the bid I don't know. I never have known in regard to that.

Q. You don't know whether your \$1,200 went toward the first payment on that land or not?—A. I do not; no, sir.

Q. Did you have any understanding with Mr. Brown prior to the sale in reference to this matter?—A. No, sir; I did not.

Q. You had no agreement with, written or implied, with Mr. Brown to the effect that you were to have an interest in that piece of land?—A. No, sir; I did not.

Q. Do you know Brown intimately and well?—A. I would consider that I do, as I met him soon after I came to the reservation five years ago.

Q. Visit at his home, do you?—A. Yes, sir; I have.

Q. How many times?—A. I don't remember the number of times I have visited at his home. I don't know how to express it—

Q. Several times, have you?—A. Yes; several times.

Q. Has he visited at your home?—A. He has eaten in my home once only and took dinner with me at one time at the club, as I recall.

Q. The club here?—A. At the boarding club at Fort Simcoe.

Q. Did you ever have any transaction with him—I may have asked you this question—outside of Indian affairs—matters connected with Indian affairs?—A. Yes, sir, to a certain extent; we considered at one time the question of buying some property in the town of Pasco, Wash., and as I recall he went and looked at the lots. It was the understanding that if the investment was made that we should both hold an interest therein, but this transaction never terminated.

Q. Was that prior to or subsequent to this transaction in reference to the Indian land?—A. It was subsequent, I think.

Q. Did you have any understanding with Mr. Brown to the effect that in his real estate deal or in any of them you were to share with him in the profits outside of this one that you have mentioned in reference to the sale of the Indian allotment?—A. Just a moment

now, you mean outside of the reservation now or on the reservation or do you mean in general?

Q. I mean outside of the reservation.—A. No, sir, I did not have any such arrangement with Mr. Brown.

Q. Well, did you have any with reference to the Indian reservation?—A. My other question probably fronted that; of course, you know—don't put this in—

Q. You had better put this in as it explains his answer.

(Question read.)

A. No, sir, I had no such arrangement with Mr. Brown. I became interested with him in another transaction pertaining to the purchase of some land.

Q. Tell us about that. —A. In the fall—would you mind referring to that?

Q. The first transaction—this other transaction with Brown was in April, 1911?—A. The other was in the fall, I think.

Q. This last one was in the fall; that is near enough, go ahead.—A. In the fall of 1911 Mr. Brown purchased 40 acres of the allotment of one Sarah Amby from the Government for a consideration as I recall of three thousand and a few dollars, he being one among six or eight bidders.

Q. Being the highest of six or eight bidders, was he? —A. He being the highest.

Q. Go ahead. —A. Subsequent to the time that you purchased this land I called upon him at North Yakima and advanced—took up the question of the purchase of an interest in said land upon some terms which would justify us in thoroughly improving the same, planting it to orchard, bearing all expenses in connection therewith. And taking care of the same for a period of four years.

Q. He bearing all the expenses, you mean?—A. Yes; he bearing all the expense—at which time he would give me a half interest therein.

After discussing the matter at length it was finally agreed between us that he would enter into such an agreement for and in consideration that I would reimburse him with the funds which he would be required to pay the Government as the purchase price thereof, namely, one-fourth thereof at that time; the remainder, three-fourths, in three equal payments at the end of the second, third, and fourth years. He, however, to produce a receipt from the Government for the payment which he had made before I would be obliged to make the payment to him. He executed a contract carrying these terms, with the provision, as hereinbefore stated, that after the expiration of four years he would deed me my choice of 20 acres of the tract, which at that time would be in 4-year-old orchard. The matter so stands to-day.

Q. Now, let me see if I understand this. This piece of land to which you have referred was bid in at the sale of Indian land by Mr. Brown?—A. Yes, sir.

Q. For some three thousand odd dollars?—A. Yes, sir.

Q. Now, you made an arrangement with Mr. Brown whereby you were to advance the purchase price, which he had agreed to pay as the payments became due?—A. No, sir; you don't understand it exactly as it is. He was to make said payments himself as they became due, after which he would produce a receipt therefor to me.

Q. You required him to furnish a receipt?—A. Yes, sir; this is provided in our contract.

Q. That is, you did not see fit to take his word for that; you wanted him to furnish the receipt before you paid him the money?—A. As far as I was concerned, personally myself, I would have been perfectly willing to have taken his word; but that wouldn't be a business proposition, and the conditions of it have been such that the matter would have to have been settled up in connection with other matters of my estate, or I would have transferred my interest to other parties. I considered it would have been only a matter of business that the matter be drawn up in legal form.

Q. Don't you think that also would have applied to the other transaction when you let him have the money without any scrap of evidence of indebtedness at all?—A. Perhaps so; yes, sir; but I did not anticipate at that time, from statements he made to me, that it would be any great length of time before the money would be returned, while in the other case it was a matter of a period of four years.

Q. Well, now, reverting back to this last transaction again, you were to make the payments for this last sale of land to Brown?—A. Yes, sir; I was.

Q. But in the end, or at the end of four years, you were to have half of the 40, and he half?—A. Yes, sir.

Q. What was he to do for the 20 acres which he was to receive of this land?—A. He was to clear the land, which was all sage brush, plow and properly level the same, ditch it for irrigation, build a rabbit-proof, woven-wire fence around the same; plant it to the best varieties of commercial apples, with pear trees as fillers, and take care of same for a period of four years, bearing all the expense in connection with the improvements last mentioned.

Q. Have you paid for this land now?—A. I have paid Mr. Brown all the funds as provided for in our contract, which is, namely, one-fourth of the purchase price.

Q. So you owe him still three-fourths of the purchase price?—A. Yes, sir; I do.

Q. Had you had any understanding with Brown, with reference to this transaction, prior to his purchasing this at the public sale?—A. No, sir; I had not.

Q. How soon after his purchase was your agreement with him made?—A. As I recall, it was a week or 10 days, or perhaps longer; I don't remember exactly, but I do recall that I was desirous of seeing him as soon as practicable after I observed that he was the purchaser, since I knew generally where the land was located, and considered that it would make good orchard property, and knowing that he dealt in lands, thought perhaps he might dispose of it before I had an opportunity of seeing him.

Q. Is Mr. Brown a man of means?—A. I would consider that he is worth considerable; yes, sir.

Q. Can you see any reason why he would bid in a piece of land for three thousand and odd dollars, he being a man of means, and then turning it over to you for exactly what he paid for it, and he developing thereafter, the land for four years, and retaining only one-half of it?—A. Well, this would be considered by a man experienced in the orchard business to be a good financial investment for him, since

he was in the nursery business, and owned other land in close proximity to the land in question, which would permit of his developing and improving the same at a minimum cost.

Q. You think that piece of land was sold for all it was worth at the time of the public sale?—A. Yes, sir; I do. As I recall, there was strong competition and that this tract sold higher, relatively, than many other tracts of land in that section of the reservation.

Q. Did you have any other transaction in reference to Indian lands with Mr. Brown?—No, I did not.

Q. Have you had any with anybody else?—A. No, sir.

Q. Those four transactions comprehend all of the transactions you have had personal to yourself in reference to Indian lands?—A. Just a moment before I give my answer—I own a little lot down in the town of Toppenish. I asked Mr. Linnen if he wanted that and he said he did not; he said no, don't include it.

Q. That was not within the reservation?—A. That was a lot in the town of Toppenish which was within the reservation originally.

Q. Of whom did you purchase that lot?—A. I purchased a lot in the town of Toppenish from the H. M. Gilbert Real Estate firm.

Q. About when did you do that?—A. As I recall it was the summer of 1910.

Q. What did you pay for it?—A. \$400 I believe.

Q. You own the lot still?—A. I do; yes, sir.

Q. Any improvements on it?—A. Yes, sir; the lot is surrounded on two sides by a sidewalk, it being a corner lot.

Q. No buildings on it?—A. No sir. Now, I have not answered your other question up there, your last and final question on this other subject.

(Question read.)

A. Yes, sir; except the lot hereinabove referred to which I own in Toppenish which was originally a part of an Indian allotment.

Q. Did you purchase that lot through the assistance of either Mr. Powell, Mr. Rohrer, or Mr. Brown?—A. No, sir; I did not.

Q. They had nothing to do with it?—A. I called on the company in question personally and looked at the lot and made the purchase.

Q. Have you had any talk since you have been connected with the Indian Service with anybody other than the talks that you have mentioned in connection with the matters to which you have testified in reference to your becoming interested in Indian lands?—A. No sir; I have not.

Q. Have you told me all you wish to say in reference to this matter?—A. You mean the last question?

Q. With reference to any matter with which you have been examined?—Yes, sir; I have.

By Representative CARTER:

Q. I believe you say you only purchased four tracts of Indian land?—A. Yes, sir; I only purchased three tracts of Indian land and consider that the other tract was not an actual purchase; that it is more properly to be considered as a loan, although you have the facts in the foregoing.

Q. Have you kept any concrete record of the amount of profit you made from these four transactions?—A. Yes, sir; I had a memorandum of all these transactions which I had with my personal papers in a lock box.

Q. Can you tell us what it is for the record, the amount?—A. Just a moment, I don't want this to go in——

Q. Can you give me the amount of profit you have made out of these four transactions?—A. Yes, sir, approximately—on the Pollywaka tract I made approximately twenty-five hundred dollars as I recall, while in the matter of the first transaction with Mr. Brown my profits were approximately a thousand dollars. I have realized no profits whatever from the other two transactions to date as I still retain my interest therein.

Q. They are still undigested?—A. Beg pardon?

Q. They are still undigested—they have not been sold?—A. Yes, sir.

Q. What first called your attention to the purchase of this Pollywaka tract?—A. At the time I purchased this tract I had been on the reservation approximately a year, and in being over the reservation I naturally observed there was considerable good land, and it seemed to me there were chances for successful investments should the land be purchased and held for several years.

The indications were that prices would go higher, and even at that time alfalfa especially was selling for from twelve to fifteen dollars per ton which would make such land a profitable investment.

Q. Had this idea of profit of investment in these lands ever occurred to you prior to the time you came to Toppenish that day and began to look at this Pollywaka land?—A. You mean by these lands the lands on the reservation?

Q. Had the idea of investing in these Indian lands, for profit, ever occurred to you prior to that time?—A. Yes, sir, necessarily. I had thought of the matter during the preceding year as I would not have made up my mind on such an important matter, especially to me as a young man with very limited funds on such short notice.

Q. But you had never made up your mind until that time to purchase land?—A. Not definitely; no, sir.

Q. Was there anything that occurred on that day to bring your mind to a focus on that subject?—A. No, sir, not especially.

Q. After studying over it these months that you had been at the agency you finally decided on that day just to make the purchase?—A. I decided on that day after going out and looking over several tracts which I knew were up for sale that day.

Q. Was there anything that caused you to go out and look at those certain tracts on this particular time—on this particular time?—A. Yes, sir.

Q. What was that?—A. These several tracts that I looked at on that day were in a locality on the reservation which generally appealed to me; and, further, they were 40-acre tracts, which I considered were all that I should handle at that time in view of my financial situation.

Q. Were those the first 40-acre tracts that had been sold?—A. No, sir; I don't think they were. I don't recall exactly, but generally speaking at every sale there were both 40 or 80 acre tracts on sale.

Q. Well, why was it you had not concluded to make these purchases prior to this time when the other 40-acre tracts had been sold?—A. I don't recall that there had been 40-acre tracts in that general locality.

Q. Before going into this, Mr. Miller, did you consult with anybody about the profit that might be made in these lands?—A. No, sir; I didn't consult with any particular individual.

Q. Well, with anybody, with any person?—A. No, sir, I did not; at that time there was a high spirit of speculation prevailed throughout the entire Yakima Valley, and, as previously stated, it was generally known that investments in alfalfa land, in view of the price of alfalfa at that time, investments were favorable.

Q. Did you consult with any of your friends—business men at Yakima or other points—who were posted and might give you information as to the probable increase of values in the Yakima Valley?—A. No, sir; I don't recall that I did.

Q. Did you consult with any of your associates here at the agency?—A. No, sir; I did not.

Q. Did it occur to you at the time you purchased these lands, Mr. Miller, that there might be some impropriety about the chief clerk going into this character of transaction?—A. I felt that as long as I was honest and fair in every particular, and made no prior arrangement, and bought the lands in question outright from the purchasers after they had purchased them from the Government, that no one would be injured or harmed financially.

Q. Well, the question I asked you Mr. Miller was, did it occur to you that there might be any impropriety in such an act?—A. It did not at the time that I purchased the Pollywaka tract, as that was generally known, as I understand, thereafter.

In connection with the later transactions I had come to understand that it might not be advisable for the general public to know of my action, since, while if they knew the actual conditions, there would be no objection, but they might assume conditions to be otherwise than they actually were.

Q. Well, did you consult with your superior officers at the agency, as to the propriety of your taking part in such a transaction?—A. I did not before I made the purchases. The circumstances in connection with the first two transactions were later explained in a personal way to my superintendent.

Q. When was that? Just approximately, I don't want the exact date?—A. I don't recollect exactly, but believe it was some weeks after I made the purchases.

Q. The Pollywaka purchase you refer to now?—A. The first two.

Q. Who did you speak to about it?—A. Superintendent Young.

Q. What did he have to say about it?—A. He stated that as he understood the circumstances, after I had explained them to him, that the purchases made from the original purchaser from the Government, he did not consider that it was improper.

Q. Mr. Young told you in the light of all the statements that you made to him that he did not think it was improper?—A. Yes, sir.

Q. And you made the same statement to him that you have made to-day in this hearing, practically?—A. In a general way, yes, sir; pertaining to the first two transactions. To my knowledge he never knew anything of the others.

Q. What State are you from originally?—A. I was born in the State of Ohio.

Q. And where did you join the Indian service?—A. I was a legal resident of the State of Iowa when I first entered the service, going

to Oklahoma to take the first position: I was in the State of Oklahoma when I took the civil-service examination.

Q. How did you come to be attracted to the Indian service, Mr. Miller?—A. I served as a temporary clerk for the Kiowa Townsite Commission from May, 1907, until August, 1908.

Q. How did you secure that position?—A. By inquiry through members of the said commission.

Q. Did you have anyone to assist you in getting the position?—A. No, sir; absolutely none. I was employed direct by the members of the commission, without any assistance from any other outside source.

Q. That position was not under the civil service then?—A. No, sir; it was a temporary commission.

Q. Will you give the names of that commission, please, Mr. Miller?—A. The names of this commission were Julius W. Hadden, Thomas F. Woodward, and W. L. Miller.

Q. Did you know any of the officials in the Indian Bureau at Washington at that time?—A. No, sir; I did not.

Q. Did you know any one in the Indian Service except those immediate employees?—A. No, sir.

Q. Do you know any of the heads of the different divisions of the Indian Bureau at Washington now?—A. I am acquainted with Mr. Hauke, the second assistant commissioner; as I remember, he is the only one in the office now whom I have met.

Q. Do you know Mr. Leupp?—A. No, sir; I never met Mr. Leupp.

Q. Do you know Commissioner Valentine?—A. No.

Q. You don't know Commissioner Sells, you say?—A. No.

Q. Do you know Mr. Meritt?—A. No.

Q. Mr. Francis?—A. No.

Q. Mr. Abbott?—A. No; I have never met Mr. Abbott; he was at this agency a year or so ago, but I happened to be away in the East, as I recall, when he was here.

(Witness excused.)

STATEMENT OF DR. GEORGE W. WIMBERLY, AGENCY PHYSICIAN, FORT SIMCOE, WASH.

Dr. GEORGE W. WIMBERLY, being first duly sworn by Senator Townsend, testified as follows:

Examination by Senator TOWNSEND:

Q. What is your name, Doctor?—A. George W. Wimberly.

Q. What is your business?—A. Physician.

Q. In the employ of the Government?—A. Yes, sir.

Q. In what capacity?—A. I am the agency physician, Yakima Indian Agency.

Q. Is your practice entirely confined to the reservation?—A. Yes, sir. Of course I do some private practice amongst the white settlers.

Q. On the reservation?—A. Yes; not a great deal. I suppose it averages in a year \$20 or \$30 a month.

Q. What proportion of your time do you devote to the Indians?—A. Practically all of it.

Q. What is your salary?—A. \$1,500 a year.

Q. How long have you been in this position?—A. I have been in this particular position since the 15th of January, 1912.

Q. Do you travel over the reservation considerably?—A. My duties are limited to this end of the reservation, practically to within 15 miles of the agency, except in special cases. Now, when we had our epidemic of smallpox I was detailed to go to Toppenish and Wapato, at the other end of the reservation.

Q. The contract physicians take charge of the rest of the reservation?—A. Yes, sir.

Q. How long have you been here?—A. On the Yakima Reservation, I came here in 1912 in January.

Q. What is the condition of the health of the Indians on the reservation, so far as you know?—A. Outside of the trachoma situation, I consider the condition on this reservation better than most Indian reservations.

Q. What per cent of the Indians here have trachoma?—A. According to my figures, I figure between 25 and 30 per cent, easy.

Q. How do you get that?—A. When I made out my semiannual report the 1st of July I had examined about 300 Indians myself and I found 88 cases. Of course I have examined some since then, but I have not footed up the figures.

Q. What are you doing for that disease?—A. I operated during the winter on 14 cases, and treated besides, I think, about 20 or 25 cases, and these are mostly among the school children, the only patients that I could undertake to carry out any treatment for any length of time. Now, outside of that there is practically nothing that has been done. Of course the Indian comes into my office to get medicine, and I give him medicine such as I think will do him the most good without doing him any harm, but you can not undertake to treat trachoma unless you have the patient under your care and have some time to devote to it.

Q. How much time do you require in the initial stages?—A. Well, if you take a case early it will take two or three months; that is the very shortest time you can turn a patient loose cured; of course you can benefit him greatly inside of a month.

Q. How often could you treat him in that two or three months?—A. You should see them daily at least; of course the operative cases usually require from one to three operations.

Q. What cases would be operative cases?—A. Those are the cases that show the typical trachoma growths in the eye, cases that have not gone so far that operation—of course some of the cases, old cases, could be operated on too—but that would be a secondary operation of a different nature entirely.

Q. Are you advising these Indians—I believe you said you examined and found 88 cases out of 300—did you advise the 88 to take treatment?—A. Yes, sir; I picked up a girl a short time ago, brought her in here and kept her here two weeks. When I can get them to come, I do; of course I can not always do that.

Q. Do you have any supervisein over this school?—A. Yes, sir.

Q. A little while ago when we arrived there was a man came down and said that his boy or girl, I have forgotten which, had been examined and found to have trachoma and was advised she could not enter the school?—A. Yes, sir.

Q. Did you give that advice?—A. Yes, sir.

Q. What did you say to the father as to what he ought to do?—A. I told him that Mr. Carr was endeavoring to have an annex to

our hospital established here where we could handle those cases among the children, and when we got that I would be glad to take this girl back and take her under treatment; but of course that would be a month or two before that was established.

Q. Is there an appropriation for that?—A. No; that is asked for, I suppose, out of this general school fund.

Q. It is liable to be six months or so, isn't it, rather than a month or two?—A. I don't think so. I will volunteer a little information: Last December I wrote the office and urged very strongly that they give us a general hospital for trachoma on the reservation, and that they give us field nurses and field matrons to go into the homes and try to do something for trachoma. Now, the office replied favorably and asked for an estimate. We made an estimate: I helped make it, and submitted it, but we have not heard anything further. I wrote again last July and urged the same thing, and have not heard anything from that yet.

Q. Do you think you could induce the Indians on this reservation to come to a hospital here if you established one?—A. We could induce some of them, but it would be almost useless to establish a hospital unless we have some compulsory means to force these Indians to be treated for trachoma.

Q. How would you find out whether they had trachoma?—A. Find out by examining their eyes.

Q. Would you go to them and examine them?—A. Yes, sir; I can examine practically every Indian on the reservation, I am confident, without any trouble.

Q. You would then, if given the power, compel them to attend the hospital which is to be established here; you would go over the reservation and examine all the Indians to see whether they have trachoma?—A. Yes, sir.

Q. Well, that seems practical. I have not discovered anything else that seemed practical to me.—A. That is the only practical way. Of course it is no use—it is just like—I was in charge in one tubercular sanitarium. There is no use of having a sanitarium or hospital and letting it go at that. The place where they get trachoma is in their homes and unless we have nurses and matrons to go into their homes and clean them up and make them keep clean and live clean your hospital is only going to do just a benefit—benefit just a small number.

Q. What do you think is the cause of trachoma?—A. Well, it is an infection; I don't know that the exact nature of the infection is known, or just what causes it amongst the Indians. I don't know why they should have it or why it should be endemic as it is. It has been amongst them for a long time, for often on this reservation you can see the older Indians with the scars and results of trachoma, which are unmistakable.

Q. Are there many blind people here?—A. There are several, but not a great many totally blind.

Q. Is this disease liable to make them blind if allowed to work its course?—A. It will impair the sight in a large measure. It does not always make them totally blind, but it does sometimes induce a secondary cataract.

Q. What proportion of them would result in that? What per cent?—A. Well, in total blindness, without looking up the statistics

I don't know as I could make a positive statement; I should judge a very small per cent would be totally blind, but the incapacitation from trachoma is very great; there is no question about that.

Q. What originally causes trachoma? You say it is an infection?—

A. Well, there is some specific organism no doubt, a germ which produces trachoma, although I don't know that the exact germ has been isolated and discovered.

Q. Is it more common among the Indians than it is among the whites?—A. Yes; trachoma is practically unknown amongst the whites in this section except where they have come into contact with the Indians.

Q. In cases where there is a white man or white woman in an Indian family do you find trachoma to exist amongst the whites of those families?—A. Yes; I have operated on several patients, the children of a white man and Indian woman.

Q. You know whether it is more common among the full bloods than it is among the breeds?—A. I think as a general rule it is more common among the full bloods because usually the breeds are more cleanly and live in better hygienic circumstances.

Q. Then you think cleanliness is in a measure a curative?—A. It is a preventive in a very large majority of cases; in fact an absolute preventive.

Q. Do you have trachoma in the schools here at all?—A. I do not. I admitted these cases last year into my hospital here and treated them.

Now, the public-health report which you have probably seen will show the percentage amongst our school children, but those were hospital children under my care and treatment at the time. It was my only chance to keep any cases at all and I took them in but this year I don't even do that until we can get our annex to our hospital established.

Q. You refer to the Lloyd report?—A. Yes.

Q. Do you have tuberculosis on the reservation?—A. Yes, sir.

Q. To what extent?—A. Now, we haven't any very definite data for tuberculosis, but I figure tuberculosis between 15 and 20 per cent maybe of the total population, in one form or another, pulmonary, glandular or bone tuberculosis. I think there is no question but what the Yakimas are more free from tuberculosis than any Indians I have been associated with.

Q. How many cases do you have a year?—A. On the reservation? It is pretty hard to tell.

Q. Is it more prevalent among the older or younger Indians?—A. Well, it is more prevalent among the younger Indians and middle-aged Indians because I think the older Indians are Indians who out-lived it or survived it. A man who gets tuberculosis, he don't live to be an old Indian, that is all.

Q. Is the health of the Indians on this reservation or among the Indians generally according to your knowledge improving or growing worse?—A. Well, outside of the two diseases we have discussed I think the health conditions are holding its own anyway. I don't think it is getting any worse.

Q. Do you hesitate to visit an Indian when you receive a call?—A. Not at all; I go promptly.

Q. Do you have many calls?—A. Quite a good many during the fall, winter, and spring; of course during the summer our Indians all go up in the mountains and stay about two months; our work here is rather light then.

Q. Where were you educated, Doctor?—A. George Washington University.

Q. How long have you been in the Indian service?—A. I entered in 1902, October. I have been out during that time two years.

Q. What were you doing during those two years?—A. I took a short post-graduate course and practiced medicine in Georgia. The two consumed about a year and then I put in two months over in Davenport, Washington.

Q. How old are you, Dr. Wimberly?—A. Thirty-eight.

Q. You did not practice much before you entered the Indian service?—A. I graduated in June and entered the service in October.

Q. So practically all of your practice has been among the Indians?—A. Yes, sir.

Senator TOWNSEND. I think that is all.

Representative CARTER. Doctor, to what causes did you attribute the prevalence of consumption among the Indians?

A. Well, it is their manner of living and an attempt at a change of manner of living.

Q. Now, you take an Indian who is accustomed to live out in the open, take the Indian as he was, say 50 years ago, and then change him into trying to live in houses and our way of living and our kinds of food and they don't understand it. I believe that has as much to do with it as anything.

Q. It is the transformation that is taking place?—A. It is the transformation that is taking place, has a great to do with it, no doubt.

Q. Are their houses properly ventilated on the reservation?—A. Well, the houses usually—most of the houses are poorly constructed; there will be plenty of ventilation except for the fact that they live in very crowded conditions and in the winter time they keep every window and door tightly closed and the rooms overheated.

Q. Do you advise them in connection with that to keep their windows open in the winter time so they can get fresh air?—A. Yes, sir; I do.

Q. They are slow to take your advice?—A. Yes; they practically won't do it.

Q. Have you any facilities under present conditions to prevent the spread of tuberculosis among the Indians?—A. Well, practically none. Of course we are provided with sputum cups, and we are provided with circulars and different things, and when I go amongst the Indians I try to tell them and instruct them, but necessarily I can not give much time to that. It really is the place for a nurse or field matron.

Q. You have no facilities at all in their homes at the present time for preventing the spread of trachoma?—A. No, sir; not at all.

Q. That could be accomplished very well by having a hospital to bring them to, could it not?—A. Yes, sir.

Q. And you could improve the tuberculosis conditions by having a hospital?—A. Yes; I think you can treat the tuberculosis here if we were provided with a place to accommodate them.

Q. Could you get the Indians by means of persuasion on this reservation to come into the hospital for treatment for tuberculosis and trachoma, do you think?—A. We could get more into a hospital here probably than we could into a sanitarium some other place, but I don't think we could get them all.

Q. What would you think about the feasibility of getting them to go to New Mexico or Arizona?—A. Very few of them will go. I have have not been able since I have been here to get one of them to go. I have tried several.

Q. Tell us something about the difficulties you have observed, Doctor, in getting them to leave their homes and their families to go to hospitals?—A. Well, you have first an Indian's natural aversion to a hospital or sanitarium. You take a hospital and white people even are not always willing to enter a hospital or sanitarium, and the Indian is just as much more opposed to it as his state of civilization is different from a white man's. That is one thing, and naturally Indians object to sending a sick child away when the Indians know consumption is probably fatal.

Q. They are very affectionate about their children, are they not?—A. Yes, sir.

Q. And don't like to have them leave when they are sick?—A. Yes, sir.

Q. Does that extend to all members of the family as well as the children?—A. Yes, sir; in fact, we can not get the older Indians in any kind of a hospital.

Q. Wouldn't your treatment of tuberculosis and trachoma be very greatly improved if you had regulations to enforce the bringing of those cases to a sanitarium and regulations to enforce cleanliness in the homes?—A. Yes, sir; in fact it will never amount to anything until we have that; you can not handle those cases successfully if you do not.

Q. Well, I believe that might be done under the bureau of health?—A. I think so.

Q. Then, would you think the condition of the health of the Indians in those respects might be improved if the Indians on the reservation were placed under the health bureau rather than under the Indian bureau?—A. I think so. Now, if you care to see it, I wrote a letter to the journal of the American Medical Association last June urging just that very thing, that if there should be a health department established, by all means the medical department of the Indian Service should be placed in it, and gave my reasons for it.

Q. Well, we would like to have that letter, Doctor, placed in the record, if you will give it to us.—A. Yes; I will.

Q. In your opinion is there any chance for improvement in the health conditions of Indians with relation to trachoma and tuberculosis until you can have some regulation to enforce cleanliness in their homes and their attendance upon hospitals?—A. None at all.

By Senator TOWNSEND:

Q. Did I understand you to say, Doctor, that you had a hospital—addition to your hospital here—that you would bring the victims of tuberculosis in here?—A. No, sir; I said trachoma, only the trachoma cases.

Q. Well, the Congressman was examining you with reference to tuberculosis at that time also. You would not mix those? A. Oh, no, sir.

Q. Then, Doctor, it would be possible to have a hospital in which both characters of cases could be treated by keeping them segregated?—A. They would have to be kept segregated and they would have to have separate attendants. It would be necessary because a great many trachoma cases—a large number of them—have not tuberculosis, and it would be almost criminal to expose them.

Q. Well, the same doctors could take care of them?—A. Oh, certainly.

Q. What precaution do you take yourself, Doctor, to prevent contracting these two diseases?—A. Well, when I have—of course, take trachoma, I use a gown when I treat any case of trachoma and take an antiseptic bath afterwards. Of course, with tuberculosis, I do the same in cases in a stage where it is transmissible easily.

(Letter marked "Exhibit A," and said letter was as follows:)

[From the Journal of the American Medical Association of May 17, 1913.]

ADVANTAGE OF INCLUDING THE INDIAN SERVICE IN THE PROPOSED DEPARTMENT OF HEALTH.

To the EDITOR: I have read the text of the Owen bill as published in the Journal (Apr. 26, p. 1320), and am heartily in favor of its provisions. I think, however, that there is one important omission. By all means, it seems to me, the medical department of the United States Indian Service should be taken over by the new department of health. There are many reasons why this should be done.

In the first place, the Indian medical service, taken as a whole, is woefully inefficient, and is not getting results commensurate with the money being spent or the work being done, and this does not mean that the Indian Service doctors are either overpaid or overworked. It simply means that even the small salaries paid and the small amount of work being done are largely wasted because the whole effort is misdirected. The medical service furnished to Indians should be mainly along the lines of sanitation and preventive medicine. The present plan of employing physicians of more or less mediocre ability to do a general practice among camp Indians, neglecting the larger questions of sanitation and hygiene, is a narrow policy, to say the least, and nothing proves its futility more than the rapid spread among Indians of tuberculosis, trachoma, and other serious though preventable diseases. The following quotation is from a report recently made on this subject by the Public Health Service:

The relief of suffering and the cure of disease are necessary, and provisions made to this end are commendable, but under present conditions their application is discouraging and does not approach the problems of sanitation among Indians. The curative effects aimed at . . . are largely nullified by the conditions under which the work is attempted and by the indifference of the primitive Indian and his ignorance of the first principles of hygienic living.

It was the common observation that many of the medical officers of the Office of Indian Affairs were working hard, but a great deal of their really hard work is wasted.

By the absorption of the Indian Medical Service into the Department of Health the work could be organized and directed along more effectual lines; and the questions of better and more uniform salaries and of promotion for efficient service could be adjusted. These improvements would render the service more attractive, and better men would be brought into it.

That these very desirable ends will be accomplished under the present system is improbable. Take the question of salaries, for instance. Usually a lump sum is apportioned to each school or agency; this the superintendent in turn apportions as he sees fit among his different employees. The less he pays the doctor the more he will be able to pay some other employee or the greater the total number of employees he will be allowed. The result invariably is that he keeps the physician's salary down as low as he dares. In fact, the Indian Office often not only encourages him to do this, but actually compels him by refusing to ratify any increase he may be disposed to give the physician. The low-salaried physician, usually located in some

out-of-the-way place and dissatisfied, joins in the continual and interminable wrangle for transfer, each man feeling that any change would be acceptable.

Last, but by no means least, among the advantages to be gained by transferring the Indian Medical Service to the Department of Health would be the removal of these physicians from under the jurisdiction of law superintendents. These superintendents are more or less ignorant of medical matters and have no true conception of the relative importance of medical work, especially that of a sanitary nature; yet they have full authority over the doctors of the service, pass on their efficiency and merit, and think nothing of interfering in their work. In my experience this has been especially true with regard to questions of vaccination and quarantine. One of the present Indian Service supervisors even openly opposes vaccination against smallpox.

In conclusion, another short quotation from the report cited above will be appropriated:

The physicians conducting the work on many of the reservations see no encouragement; their life is isolated, their pay small, their hope of promotion less, and their authority to attack real problems limited * * * but among the other governmental medical corps the medical officers, by reason of definite organization and hope of advancement, are filled with enthusiasm and esprit de corps which is necessary to success in any great coordinated work.

GEORGE W. WIMBERLY,

Physician, Yakima Agency, Fort Simcoe, Wash.

Now, I have another article that just came out in last week's journal by the surgeon recapitulating this Lloyd—this Public Health Service report on trachoma among the Indians—that might be of interest to you.

Q. Is that your article?—A. No; that is by—I forget the doctor's name—one of the public health surgeons.

Q. I don't think we want it; we have a large report; do you have much intemperance, intoxication among the Indians?—A. Yes: quite a good deal.

Q. Where do they get their liquor?—A. That is a question I don't know.

Q. Have you any suggestion as to what, if anything, ought to be done?—A. Well, you can hear—all I have is hearsay—of course they claim these fellows in White Swan sell it.

Q. Is there a saloon at White Swan?—A. No; there is no saloon there; they claim there is bootlegging around White Swan; there was an old fellow kept a livery barn. I am confident he sold it. Most of them can get it around these little towns.

Q. What other reservations were you on?—A. I was on the Kiowa, Comanche for two years and I was at Phoenix Indian School for about nine months. I was in charge of the Greenville School in California for about three and a half years, and I was at Haywood, Ariz., and I was in charge of Fort Spokane Colville Sanatorium for about three months.

Q. How does the health condition here compare with it on those other agencies?—A. I think the health conditions are better than any I have been on with the exception of the one in Wisconsin.

Q. How does intoxication compare with those others?—A. It is all about the same; wherever the Indian can get it he gets drunk, wherever I have ever been.

Q. Are the Indian policemen of any service on this reservation?—A. Very little.

Q. Is your field matron a pretty good officer?—A. I think she is a very good officer.

Q. You think you could use more field matrons to advantage?—A. Yes, sir; if we had at least one more field matron who was familiar with nurses I could keep her busy all the time. I have a case under

my care now with pneumonia that probably will die simply for the reason that she has not the care and some one there to give her medicine.

Q. Is pneumonia prevalent?—A. No; not extremely so. We had several cases last winter amongst the children, but no fatal cases.

(Witness excused.)

FRIDAY, OCTOBER 3, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington Hotel, Seattle, Wash.

The Commission met at 10 o'clock a. m., pursuant to the call of the chairman.

The following members were present: Senator Chas. E. Townsend and Representative Charles H. Burke.

STATEMENT OF BOLIVER J. LLOYD, SURGEON IN THE UNITED STATES PUBLIC HEALTH SERVICE.

BOLIVER J. LLOYD, being first duly sworn by Senator Townsend, testified as follows:

By Senator TOWNSEND:

Q. What is your full name, Doctor?—A. Boliver J. Lloyd.

Q. Are you related to the Government in any capacity?—A. I am surgeon of the United States Public Health Service.

Q. How long have you been connected with the hospital and Marine service?—A. Nearly fourteen years.

Q. Where have you been located during that time?—A. Mobile, Ala.; Chicago, Ill.; San Francisco, Cal.; Nome, Alaska; Pallas, Peru; Guayaquil, Ecuador; Hygienic Laboratory, Washington, D. C.; Seattle, Wash.; and special work occasionally.

Q. Now, you were in the employ of the Government when you were in South America?—A. Yes, sir.

Q. What were you doing in South America?—A. In Peru I was detailed to the United States consulate to keep plague and other contagious diseases out of Panama and the United States by taking the necessary precautions on vessels leaving there; also represented the Republic of Panama at the same time, by request.

Q. What diseases were prevalent there that you were contending against?—A. Bubonic plague, especially, and small-pox. In Ecuador, I first had the same position at the United States consulate but later, when plague became so bad, I was borrowed by the Ecuadorian Government and made director of health for the Government for 18 months, until things were in better shape; there we had plague, small-pox, and yellow fever.

Q. Did you have any experience there with tuberculosis or trachoma?—A. Not many with trachoma. With tuberculosis some, but comparatively little; just in a casual way. On a number of occasions I made recommendations to the Ecuadorian Government about what should be done in caring for tuberculosis, as it came under my jurisdiction in a general way. I was director of health then.

Q. In your various positions here with the Indians prior to coming to Seattle, did you have any experience with trachoma and tubercu-

losis? A. Yes; not with the Indians, but I have examined immigrants arriving in the United States for trachoma in San Francisco, off and on, for nearly three years.

Q. Now, when did you say you came to Seattle? A. November 16, 1910.

Q. Have you made any special examination for the Government in reference to diseases among the Indians within the last three years? A. Yes; for three months during 1912 I traveled continuously among the Indians in this State and in Idaho investigating trachoma, tuberculosis, typhoid fever, and such other diseases that might be of interest.

Q. You were authorized by whom to do this?—A. The Surgeon General Public Health Service.

Q. Did you receive any written or printed instructions as to what to do?—A. Yes; I did.

Q. Have you a copy of those?—A. I have in the office; I don't have them with me.

Q. Can you furnish us a copy?—A. I can this afternoon.

Q. I will be very glad to have you do that, and we will mark that "Exhibit A."

(Said instructions were furnished by the witness, marked "Exhibit A," and the same are as follows:)

TREASURY DEPARTMENT,
UNITED STATES PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE,

September 18, 1912.

Passed Asst. Surg. B. J. LLOYD,

Public Health Service, Seattle, Wa h.

SIR: Referring to the inclosed bureau order detailing you to make an examination of the prevalence of certain diseases among the Indians in the States mentioned therein, the following instructions are issued which, however, must be of general character, on account of local conditions.

Under the authority cited in the above-mentioned letter officers are being detailed by the bureau to visit other States to perform like duties. Information regarding these details will appear in the weekly list of changes, copies of which will be mailed you.

On account of the peculiar nature of the investigations to be performed and their possible far-reaching consequences, it will be necessary to exercise great discretion and judgment in your relations with Federal and State officers and the Indians themselves. Prior to undertaking your investigations you will make a preliminary study of the situation and so arrange your survey and itinerary as to collect the greatest amount of data and complete the work and the report thereon by January 1, 1913.

In the law three diseases are specifically mentioned, namely, tuberculosis, trachoma, and smallpox. Special attention will accordingly be given to the past and present prevalence of these diseases, and such data as available should also be complied with respect to the incidence of other contagious and infectious diseases among the Indians.

It is desired to secure as complete and accurate data as possible within the limited time available, and the extent of the investigations and the method of making the same in a particular State must be left largely to the discretion of those performing the work. It is suggested, however, that the studies should include:

First, an examination of the morbidity and mortality records that may be available at each general agency.

Second, an inspection of all pupils of the nonreservation schools, boarding schools, day schools, and mission schools.

Third, a visit to sanitoriums, asylums, and other eleemosynary institutions within the reservations devoted to the care of Indians.

Fourth, a house-to-house inspection of as many Indian families as may be practicable and representative of the general population to determine the prevalence of the communicable diseases mentioned in their character.

In the abstracting of morbidity and mortality records great care should be observed to include only definite data which can be accepted at their face value.

In order to determine the general prevalence of trachoma and its distribution, a record should be kept of the age and sex of each individual examined, whether of mixed or full blood, whether the disease is active or recovered, the complications and extent of disturbances of vision, the name of the tribe, the total number of persons in the family, and the total number of cases in the family. If available, the total number of families on the reservation and the average number of persons contained therein should also be determined, since by this means deduction may be drawn as to the general prevalence of the disease on the reservation. In your report containing a compilation of the data, it will be proper to make a statement of any observations with respect to origin and transmission.

From the standpoint of this investigation, the determination of the prevalence of tuberculosis is of great importance. If practicable, the investigation of cases of tuberculosis should include school children, residents of institutions, and a representative number of families. The cases of tuberculosis examined should be classified according to type, as pulmonary, glandular, and osseous. Only positive cases should be included in your tabulation. Your records of pulmonary cases examined should contain definite data regarding age and sex and the number of other cases in the same family. In your report may be included a statement regarding the stage of the disease, evidence as to the resistance of Indians to tuberculosis, and data relative to the transmission of the disease under the conditions under which the Indians live.

The investigation of the prevalence of smallpox will include a statement of the past and present prevalence of the disease, the cases examined, and the extent of vaccination.

Throughout your investigation you will make observation of the sanitary conditions under which the Indians live and their influence in the propagation of contagious and infectious diseases. It is expected that each of the officers engaged in the above investigations will be provided with a camera and the necessary films, and these films when used should be developed or properly labeled and forwarded to the bureau by mail for that purpose.

While the specific object of the investigation is to determine the present prevalence of the contagious and infectious diseases mentioned, all pertinent data relative to the origin and transmission of these diseases may be included in your report with recommendations for their control.

Your bills for traveling expenses will be rendered on vouchers of the Interior Department, which can be obtained at all of the general agencies. The chief clerk of the agency will be able to give information as to their proper preparation. The usual receipts for expenditures are required by the Office of Indian Affairs to be attached to vouchers, including receipts for the hire of lodging, teams, and other conveyances. You should avail yourself, wherever practicable, of the transportation facilities afforded by superintendents and other officials.

There is inclosed herewith for your use the following:

1. A map showing Indian reservations within the limits of the United States.
2. Routes to Indian agencies and schools.
3. Roster of officers of the United States Indian Service.
4. Report of the Supervisor of Indian Schools.

In planning your routes, it is advisable to do so in such manner as to avoid as much duplication of travel as possible, and all due care will be taken in keeping within reasonable limits your expenditures on account of travel.

Respectfully,

RUPERT BLUE,
Surgeon General.

I certify that the foregoing is a true copy.

B. J. LLOYD,
Surgeon, United States Public Health Service.

Q. That examination covered three months, you say?—A. Three months, October, November, and December: that was 1911, not 1912.

Q. In 1911?—A. Yes; this is 1913.

Representative BURKE. I think it was 1912.

Senator TOWNSEND. I thought it was 1912.

Representative BURKE. Your report was made in 1913: the act was not passed until August 21, 1912.—A. Yes, that is right, sure; that is right.

Q. There was a general investigation made under that provision by Congress of August 24, 1912, extending over the United States?—

A. I understood so.

Q. And your territory covered Washington and Idaho?—A. Yes, sir.

Q. Did you devote your whole personal time and attention to that investigation here?—A. I did.

Q. What tribes did you visit?—A. I can give you a memorandum of that later; I could not give you all of them now. I can give you the places visited: Fort Hall, Idaho; Fort Lapwai, Idaho; Coeur d'Alene, Idaho; I was over the greater part of the Colville Reservation in Washington, which is a large reservation—Nespelem, Miles, Ward, and St. Maries, and a number of day schools all in the Colville Reservation; then I was in Yakima and I was at Tacoma; I went through the Puyallup, La Commar, and Lummi Reservations; I went to this reservation near Seattle—I can not recall the name of it just now—and to others in the southern part of the State. I think that is about all.

Q. Did you have any assistance—anybody go with you?—A. Somebody always went with me; yes.

Q. Somebody located at the reservation?—A. Somebody located on the reservation and on the Colville Reservation, Mr. Wilbur, of the State board of health, went with me.

Q. Now, doctor, I wish you would tell us what you did in this investigation?—A. I first went to the superintendent and the doctor and asked for records and informed myself as nearly as I could from their records of conditions on the reservation. Then I took the doctor as a rule and went from school to school and from house to house and examined practically every Indian I saw. Only a very few times did they refuse to submit to examination—perhaps half a dozen times. I looked them over casually for tuberculosis, examined them as carefully as I could for tuberculosis, which was not very carefully, because one examination in incipient tuberculosis does not tell you a great deal.

I examined all of them for trachoma. I everted their lids and noticed generally the sanitary conditions as I found them. Located cases of smallpox, which were only a few; examined them for vaccination marks; and made such other notes of other diseases as I noted in the examination. These examinations were necessarily made very hurriedly. I would go to a school having 100 or 150 pupils or less. I would run over the eyes first as quickly as I could. I would pick out the Indians suspected of tuberculosis and run through them, and any others that did not look normal I would run over them. You understand I have been for the greater part of 14 years simply training myself to look at people and size them up as rapidly as possible as to their physical condition. That is what we did on board ship, for example, in examinations. The public-health man to-day is particularly in the habit when he is making these examinations of running over as rapidly as he can and putting those necessary aside for special examination.

Q. You said you visited the home?—A. Yes, sir.

Q. About how many homes did you visit?—A. I can not tell you off-hand, but on every reservation I visited anywhere from 15 to 30 homes.

Q. Now, you said you went to the agency and received such records as they had there?—A. Yes.

Q. Do they keep complete records at these agencies of diseases?—A. No; under present conditions it is not possible to keep such—they do the best they can, under such circumstances, I suppose.

Q. Does it amount to very much, what they do?—A. They are working under great disadvantages; those men are working, but the peculiar conditions make it almost impossible to keep proper records or even furnish valuable assistance to the Indians when they are sick. The Indian lives anywhere from half a mile to 10 or 15 miles from the place where the doctor resides. Somebody gets sick; they send for the doctor; he goes in all kinds of weather; gets out there, sees the Indian perhaps in a tent or in a house which is shut up; he goes in, makes his examination, perhaps makes up his mind as to what the patient is suffering from, stays a few minutes, and can not stay longer because he has to go to see somebody else who is sick; he gives him what medicine he can take along with him, leaves such directions as he thinks can be carried out, but the Indian in his home is in no condition to carry out the doctor's directions.

Q. Now, we will reach that in a minute. I am speaking particularly about the records, the records you find at the agency; what would you find at an agency?—A. Well, simply a record of every case of tuberculosis so far as the doctor knows; cases of smallpox and typhoid fever or of any other condition which the doctor has seen. Whenever he sees a sick man he takes a record of it, I judge, from the records I saw.

Q. Do you know whether anybody reports to the doctor or not any matters which are incorporated in the record, or is this simply the record of his actual experience?—A. I believe it to be the record of his actual experience so far as I am capable of judging, these are times—I will have to qualify that by saying that simply deaths are reported to him where he simply takes the report of the person reporting to him that so-and-so died of such a disease. He did not see him at all.

Q. Now, in this investigation you made in the summer or fall of 1912 rather, what diseases did you find most prevalent among the Indians in Idaho and Washington?—A. Trachoma and tuberculosis.

Q. Do you recall definitely your experience on the Yakima Reservation, for instance?—A. Yes; we first went over the school.

Q. The agency school?—A. The agency school; the doctor and I. I examined personally all the children in the school for trachoma. We found a number of cases of trachoma, some of which were being treated. The doctor on the Yakima Reservation had his cases of trachoma fairly well localized and he knew where they were and was treating them, as I recall.

Then the doctor and I drove over the reservation down to White Swan and examined another school there where there was Indians and whites together. There was trachoma in this school among the Indians. I did not examine the whites.

Then we drove over the reservation visiting people in their homes, and I found a number of cases of trachoma and tuberculosis, and I think four cases of smallpox. That occupied, I think, about three days.

Then I went back to the city of Yakima and went down to Wapato and Toppenish and examined the Indians in these schools. In one of the places I examined a white boy who had trouble with his eyes,

and while it was not a decidedly pronounced case, I believed it was a case of trachoma: he had had it for a year or two, he said.

Then I drove over the reservation at Toppenish in the same way, visiting from house to house.

Q. Now, so far as your investigation went among the Indians in these two States, did you find that these prevailed to about the same extent among all the Indians in the various tribes or was there a difference in their health conditions?—A. There was a difference. For example, I found most trachoma on the Colville Reservation. Tuberculosis is very much the same in the various tribes; that is my recollection: on the Colville Reservation also there were a number of cases of whooping cough.

Q. Can you tell me from memory or by refreshing your memory in any way about what the per cent of trachoma on the Colville Reservation was?—A. I don't remember just now, but it was high, that is, high compared to Idaho and Washington; probably 25 or 30 per cent, but I won't be sure.

Q. Now, do you think your investigation at that time was sufficient so that your estimate of the percentage of trachoma is reliable?—A. Oh, I believe it strikes a very good average. I have no doubt there were cases that were trachoma that I did not call trachoma, especially in the beginning: there may have been some cases that I called trachoma that were not trachoma, but they were few. The majority of these cases were such that you could not call them anything else. They are there; anybody can go and look at them.

Q. Well, now, a large number of people that you visited there were in the schools, children in the schools, were they not?—A. Yes.

Q. Is there not a regulation on the reservation which makes it necessary for the local physician, the physician at the agency, the contract physician, to exclude from the schools those who are afflicted with trachoma?—A. I believe that is construed to mean trachoma in the active stage: that is my impression; it is believed that unless there is secretion when trachoma is present that such children may be allowed to go to school; in fact, if you excluded all the trachomatous children from the schools on the Indian reservations you would not have much school.

Q. Well, our experience with the doctors so far has been that they have excluded those who were afflicted to any extent known to them with trachoma except St. Maries, over near Omak, where, I think, they are excluding them now, but the Father has insisted that they be retained: I forgot to ask the agency physician at Fort Simcoe day before yesterday, but a little incident occurred while I was there: An Indian came down and spoke to Mr. Carr, the superintendent, stating that his little girl had been examined by the doctor and traces of trachoma were found, and he said she could not attend the schools; and I asked all of the doctors that I examined whether they permitted children afflicted with trachoma to any extent to attend the schools or to enter the schools and they said they did not; they examined them carefully and excluded them.

As the Congressman suggests, I omitted to ask how long that regulation had prevailed, but it struck me in looking over your report—and that was true of the other doctors who made investigations—that they based their estimate of the percentage of trachoma and tuberculosis, to some extent at least, upon the pupils or children

they examined in the schools who had theretofore, according to my understanding, been examined by the physician, and you would not naturally have found such cases there. —A. Yes; that is quite true, especially of tuberculosis.

Q. Now, doctor, what do you think is the cause of trachoma, for instance, among the Indians?—A. Well, evidently the disease has been among them a long time and it was not known. They live under such conditions as make it very easy for trachoma to pass from one to the other; they use common towels, for example.

Q. It is a communicable disease, is it? —A. I regard it so, certainly; there is a question as to how communicable it is, but I have no doubt that trachoma will one day be separated into more than one entity—more than one condition—perhaps, just as typhoid fever and typhus fever were once classed together. It is possible and probable that to-day there is more than one condition which presents a picture, which we call "trachoma," which have separate causes, one of which may be fairly contagious and the other less so, but when they present a peculiar clinical picture we have no option but to call it "trachoma," because we don't know what else to call it.

Q. If you will, proceed and tell us the cause among the Indians.—A. I have seen a number in the same family who, I believed, were infected from perhaps getting the secretion on the fingers; they don't wash their hands very often; one little fellow gets it on his finger and gets it in the other's eye; they use the same rag that lies around without washing. I believe in the trachomatous eye when the secretion is active; if that gets from one eye to the other it is quite apt to produce trachoma; that, I think, has been proven.

Q. Well, do the mothers use any degree of care in treating the children?—A. The Indian never knows when he has got trachoma and when he has not, as a rule. I have seen children walking around who, looking at them ordinarily, if you were not looking for trachoma, you would never suspect they had it.

The Indian does not complain of trachoma until his eye ball is affected, as a rule—says nothing about it. You ask him if there is anything the matter with the eye, he will deny it. I believe the actual inconvenience the Indian suffers is less than a white man. If a white man gets it, he does complain. I have walked around with the doctor; perhaps there would be no secretion visible around the eye; turn up the lid and you could pretty near scrape the granulations off his lid—very thick; it was a revelation to me.

Q. Are you liable to confuse granulated lids with trachoma?—A. They are the same thing.

Q. They are the same thing?—A. Yes.

Q. It is a disease of the conjunctiva?—A. It is a disease of the conjunctiva, primarily, I believe.

Q. That is rather painful to the whites, isn't it?—A. It is, especially in the acute stage.

Q. Now, is filth a cause or a contributory cause to trachoma?—A. Filth and poverty combined.

Q. How is that?—A. Well, it is a fact that the poorer classes of people everywhere suffer more from trachoma than people who live under better hygienic conditions. Perhaps they are better fed, have more power of resistance; also, they are more clean in their personal habits.

Q. What do you find the conditions of the homes? You say you visited from 15 to 30 homes on each reservation.—A. Yes.

Q. What did you find the conditions of those homes?—A. Well, the vast majority of them were dirty.

Q. How dirty? Just tell us about what you found.—A. For example, in going into the yard you will find human excrement all around the house, on the doorstep, perhaps, maybe on the porch, maybe on the floor of the house. You will frequently find piles of dirty rags strewn around on the floor and children lying on them. Their personal appearance frequently is as if they did not bathe or wash their hands very often. There are exceptions to this, quite a number of exceptions. Many of them live in houses that they keep shut up all the time; they won't ventilate them. If you open a window, he will shut it as quick as your back is turned. He resents your telling him he should keep his window open, I am told; he didn't say much while I was traveling amongst them. Almost invariably the house was shut up: no ventilation, dark, which is another very bad thing.

Q. What per cent of the people in those homes you visited could speak the English language?—A. What per cent? Of the older ones, I would say perhaps 25 to 30 per cent speak reasonably well; that is you could understand them.

Q. You think they understand you?—A. Not everything; conversing about simple things, perhaps they would, but you could soon get out of their vocabulary when you are talking to them. I expect that estimate is rather high; of the younger ones, there were quite a good many; the younger the Indian, as a rule, after he attended school, the more apt he is to speak English.

Representative BURKE. How did you find the houses as to whether they had board floors or dirt floors, and what did the furniture—how were they usually furnished?—A. There were usually board floors—a few dirt floors. There were some tents on the Fort Hall Reservation—a number of tents.

The furniture was scant—frequently no chairs at all—one or at most two beds—sometimes a bedstead; more often no bedstead at all; they sleep on blankets and quilts, things like that on the floor; very few ornaments in the house; exceptionally you will find something quite different, but there were relatively few houses that compared to the average farm house in the country of a white man—favorably.

Q. What seems to be their custom as to cleanliness of their person, and in their apparel, as to whether it is laundered occasionally?—A. Well, they are usually dirty in their apparel; there are exceptions of course, but that is the rule.

By Senator TOWNSEND.

Q. Did you find any indications in their homes generally, that they had a change of clothing that they could put on?—A. I didn't particularly note that, but there were always some clothing besides what they had on; I think, as a rule, but just what it consisted of I didn't go into very carefully. I was so hurried and had so much to do in a given length of time.

Q. You noted that the homes were generally poorly ventilated, did you state?—A. Yes, very poorly ventilated—very poorly.

Q. What were the remedies that you found were being used on the reservation where you visited?—A. The remedies?

Q. Yes.—A. In general?

Q. For trachoma?—A. There were very few cases of trachoma under treatment. The physician usually was not aware of the existence of the disease; he had not looked for it, and consequently he had not seen it; as I say, the Indian does not come to the doctor until very late; but usually when remedies were used, it was the copper sulphate stick—argurrol and solutions of boric acids.

On the Fort Lapwai Reservation, Dr. Ally operated on some cases, using the Knapp forceps, crushing the granulations, and removing them; he operated on four cases while I was there—at least the two of us did.

Q. In these homes where you were and discovered trachoma with the agency physician, was any arrangement made to treat those cases which you found there?—A. I believe that in very nearly every case the doctor prepared to do what he could. The doctor at Nespellum wrote me that he was treating his cases. He began the treatment of some cases before I left.

Dr. B. Chanan wrote me several times later that he was treating cases; he was treating one or two cases when I got there, at Clellum; the doctor at Simcoe was treating a number of cases while I was there. He had the best line on his cases of any man I saw.

At Fort Hall, I don't know what they did, but I presume they went to treating right away, because the doctor there impressed me as being a very conscientious man. He admitted very frankly he overlooked his cases. He did not try for a minute to excuse himself. To the contrary, he was stunned to think that he had overlooked these cases.

Q. Did you discover any attempt—I am not saying whether it was possible or not for the doctor to do this—we have already talked about this—but did you discover in the course of your visit over the reservations any attempt on the part of the agency doctors to find out how much trachoma and tuberculosis existed on their reservations and to treat the same?—A. With regard to tuberculosis, I think nearly all the men did what they could toward finding those cases and making a record of them. They did not particularly drive around from house to house looking for them, but usually the Indian, when he gets tuberculosis begins to cough and comes for a remedy.

I don't believe that the doctors had any idea that trachoma was prevalent, and I believe that many of them, perhaps, had not had sufficient experience in making a diagnosis of trachoma to pick up these cases.

They examined carefully for tuberculosis when they came into the school. I don't know just what kind of an examination they have been making for trachoma but certainly all the doctors, except the man at Simcoe, were very much surprised when they went around with me looking at those lids. The man at Simcoe knew he had it. In the beginning the physicians would tell me, "Doctor, I doubt if we have any cases of trachoma on our reservation." I don't recall just who they were who said that. They were usually very frank afterwards in saying they had simply overlooked it.

Q. Then what you say, Doctor, from the result of your investigation as to whether effective methods for the prevention and cure of trachoma and tuberculosis are being employed on these reservations?—A. At the time of my visit, no; I don't know what is being done now. At Lapwai, of course, there is a tuberculosis sanitarium, and they are doing a great deal there. More was being done for tuberculosis than trachoma. The treatment of tuberculosis usually consisted in sending these people to the sanitarium. Situated as they are, you can not do much in their homes or at least they have not been able to do much so far.

Q. Then, if I may put the question again, Doctor, your investigation discloses that the methods that were employed were not very effective?—A. That is true.

Q. You approve, of course, I take it, the idea of excluding from the schools children who were affected either with tuberculosis or trachoma?—A. That is a question about which I have thought a great deal. The State board of health of Washington takes this position: If the child has trachoma in the active stage, he must be removed from school or I believe treated by a physician during the time he is in school. Nothing is said about those who have the disease in a latent stage. My personal opinion is in so far as the Indians are concerned that it would be well to segregate those children who have trachoma and let them go to school and put the others in a different building. I would not in the Indian school exclude trachomatous children except when the disease is very active, but I would segregate them if I could.

Q. The teachers are intelligent usually, are they?—A. Yes.

Q. And it could be fairly presumed that they would have this disease in mind and would be able to handle it to some extent and keep them clean and perhaps keep them separated?—A. Yes, I believe the teachers could be easily taught to recognize the disease.

Q. That is a thing that has struck me with a good deal of harshness since I have been here, namely, the exclusion of children upon examination from the schools, and when I examined the doctor he says he pays no attention to those children thereafter unless they come to him and they seldom come to him.

Representative BURKE:

Q. Doctor, if there was a place where these children could be treated and cared for, what length of time would they have to be segregated from the other children in school?—A. Well, in the individual case it might mean months. I don't believe that for a number of years at least you could do away with your two buildings for your children, because as some cases recovered others would develop.

Some cases of trachoma run on for years; certainly when they are treated you would not expect to cure under several months; generally the children would need actual treatment every day for weeks; then perhaps every other day for months and perhaps once a week for months. It is a very chronic affair.

By Senator TOWNSEND:

Q. You never know just when to say it is cured? Do you favor the establishment of a hospital or sanitarium for the treatment of trachoma among the Indians?—A. Centrally, where all of them are sent for all over the reservation.

Q. Well, in the first place, is there any benefit to be derived from a hospital?—A. The families are so scattered over the reservation that I believe with very moderate accommodations at the largest schools or at every school where it is possible is the better thing instead of building one big hospital on a reservation. I would arrange as economically as I could a place where these children can be treated. They don't have to be housed and fed in the hospital while they are being treated. They could be treated right there at school. There is very little equipment necessary.

Q. Don't you propose to treat any but the children?—A. The same can apply to the adults. The adults can daily come for in treatment.

Q. To the school building?—A. To wherever this is located.

By Representative BURKE:

Q. You mean come daily for treatment?—A. Yes.

Q. Well, would they come?—A. Probably not, unless some pressure can be brought to bear on them that they can not bring now.

Q. Are not the distances so great in many instances that it would be impracticable for them to come frequently?—A. At the same time it is more practicable for him to come to the doctor than it is for the doctor to go to him. That I am quite convinced of.

By Senator TOWNSEND:

Q. Why?—A. In the first place the doctor can treat 50 or 100 cases a day if they come to him; if he goes on the reservation he will do well if he gets 15 or 20 cases.

Q. Not always liable to find them at home when he goes there?—A. It is difficult to fix up things just like you want them in the home.

Q. Can there be any effective remedy for this condition, except where the physician sees the patient as frequently as it is necessary to treat the case?—A. No, I don't know of any.

Q. What would you say as to whether the children, or the Indians rather—in any considerable number, would leave the reservation to go to some central sanitarium, or hospital, located in some other part of the United States, off of the reservation?—A. I think that would be very impracticable.

Q. Did you discover what the disposition of the Indian was with reference to leaving his home? That is, trachoma and tuberculosis, both, I am talking about now?—A. The Indians now is rather averse to leaving the home for treatment, for the reason that such treatment as he has been getting has not been very productive of results, owing to the conditions. I believe that if those Indians once realized that when he left home and went to this place, and got well, then he would go willingly.

That statement is borne out by my experience with Indians in Ecuador. When I first established a plague hospital and tried to induce those people to enter it, and to take the serum, they would not go, and frequently I took them anyway. But after we had been running for 8 or 10 months, not infrequently they would come to the hospital themselves to enter, or if I was working across the street trying to get somebody to go, somebody who had been to the hospital, or had a friend there, so that they were resisting, they would come over and do a good deal better pleading than I could to get them out there, and finally we practically had no trouble at all. They

realized their chances of getting well were good. They were treated well, and they did not hesitate.

Q. Can you make a favorable comparison with the people there and the Indians here? Are they actuated by about the same motives, do you think?—A. I should think so, except that the Indians there have no help from the Government, and work harder, necessarily, than they do here.

Q. More self-reliant?—A. They will do most any kind of work there; they are very valuable workmen on the railroad, anything like that; they work hard.

Q. Did you make a report, Doctor, on your findings?—A. Yes, sir.

Q. Who prepared the report?—A. I did.

Q. Was it published as you made the report?—A. It was too long, I suppose, but the essential matter in my report was published; yes.

Q. Was anything left out of that report in the way of suggestions or recommendations that you made?—A. The most of my recommendations are incorporated in that report. I don't believe that there is anything of importance left out. I have a rough copy of that report I can look at and see.

Q. Well, you would know—I had heard unofficially, and perhaps from very irresponsible sources, that there were some suggestions made by some of the doctors in charge of the district which were not published, and I was wondering if your attention had been called to anything which you had recommended?—A. No; I felt that much more of my recommendations had been embodied than I had any right to expect. I was surprised really that so many of them were incorporated.

Q. Since making that report after your investigation, have you any individual suggestions or recommendations to make at this time?—A. I don't know of any that I could recommend, unless it were, if possible, I would arrange at every school an inexpensive place for the doctor to take care of his trachoma cases that are in school. I would not exclude all trachoma cases from schooling, but I would segregate them certainly. I believe that could be done at a very moderate expense. I would have accommodations where the doctors are located to take care, say of half a dozen people, if possible, and any who are sick on the reservation could be brought there and given a chance to get well. I don't refer to trachoma particularly in that. Trachoma is a simple matter if you can get the patient to go to the doctor; the doctor can treat him.

Q. And can cure him as a rule?—A. Certainly benefit him a great deal; yes. I would have nurses put at other places, under the supervision of the doctor, where this same thing is carried out. For example, the doctor on the Colville Reservation is at Nespelem. I would have nurses in the district who would take care of other cases under the doctor's direction, and have the doctor get around once a week if he could to see what she was doing; visit from place to place; but leave a nurse in charge when the doctor would not be here.

Q. Are there sufficient nurses on these reservations you visited?—A. I never saw a nurse during my visit—I will take that back—no; I believe there are; no; there are not; there was a nurse at Simcoe.

Q. How many nurses, according to your suggestion, would be sufficient on the Colville?—A. That is difficult to say; but inasmuch

as this is an experiment, I would start out on a smaller scale; perhaps three or four nurses. If I saw they were doing good work, increase the number according to my needs.

Q. Could other employees of the Government service be useful in this work?—A. The teacher could be made useful; there are men who can combine sufficient knowledge of their teaching profession and sufficient knowledge of the treatment of trachoma cases under the doctor's care who can be put in charge of those schools; and if the teachers can not learn, I believe teachers can be gotten who can learn.

Q. It has so occurred to me, doctor, and I was going to ask you this question, in view of my notion with reference to the matter: Couldn't the teacher possess the requisites for a nurse and care for these children who were affected with this disease, in its inception at least, to good advantage?—A. I believe it would be an excellent plan if trained nurses who were willing to teach could be secured, to put them to teaching.

Q. Do you know about what they are receiving, the teachers are now? Did you discover that in making your investigation?—A. Yes; in some instances. I believe from four to seven hundred or eight hundred dollars a year, or more. There is one instance I would like to mention if I may, of a lady who is teaching at Puyallup. I am certain I don't remember her name. This lady introduced the Montessori method of teaching among the little fellows. To do that she took her own vacation, paid her own expenses to New Jersey to learn about this method, and came back and introduced it, but she was never able to get remuneration; to get her expenses back.

Q. What is this system generally now that you refer to?—A. The Moncessori method?

Q. Yes, sir.—A. That is the system followed by Madame Moncessori, of Italy, first in teaching the feeble-minded. She did so well with her pupils, with these feeble-minded, that they were able to pass examinations that normal children their age were taking. Later she was developed by the teaching profession and by the Italian Government and by friends to where she has all over Italy what she calls "houses of childhood," where little fellows are brought together and are taught cleanliness and how to use their hands. They have their little chairs and tables that they arrange themselves; they wait on each other; they serve their own meals to each other. They have their special apparatus to develop the senses. For example, there will be a number of boxes containing, perhaps, grains of sand or small stones—anything of that kind; the little fellow takes it up, shakes it, and guesses what it is.

He is taught to take up square tubes of light wood, piles them on top of each other, and carries them across the room without dropping those things. All of his senses are developed along those lines, and gradually he is brought into reading. In this connection there is special apparatus necessary, which does not cost very much—about \$50—and these children take to it very kindly. These little fellows at Puyallup were particularly interested; the child develops itself under this system.

Q. Is it possible, in your judgment, to have any effective improvement—permanent improvement—unless the Indian himself partici-

pates in the plan?—A. I don't think so; no, sir; certainly not as effective as it would be if the Indian would become interested.

Q. Then, do you regard that as one of the duties of the Government to teach the Indian to help himself and to understand the things that the physician has in mind when he is trying to reach a cure?—A. I do; and I consider one of the most important things in treating the Indian is to teach him English so that he can understand what you are about.

Q. Do they all teach this in the schools?—A. Yes, sir.

Q. Did you meet all the physicians of these agencies which you visited?—A. All, except one case; the Spokane Reservation I did not meet the physician. He came in just as I was getting out.

Q. What can you say as to whether they are competent?—A. I believe that those men, with proper supervision, can do about as much as any one else who could be gotten there for their salaries.

Q. What class of doctors enter the Indian service in that capacity?—A. It is hard to say; sometimes young men who are just out of college, who are really good men, who have never had—have always been poor, for example; do not realize that the remuneration is inadequate. They go into this service, and after they stay in it for a long time they hardly feel like going anywhere else.

Occasionally you find a bright man in the service who is there for some reason of his own. Dr. Ally, at Lapwai, is a very good man, I think. I think he is in the service because he has tuberculosis. He is well now, but he has a relatively good position and is doing good work.

The man at Simcoe is a particularly good man, I think, all around. He impressed me that way.

Q. Dr. Wimberly, is that?—A. Yes. Kelly at Nespelam is a good man. The man at Fort Hall is a man that has been in the service a long time.

Frequently a man in the service has not, perhaps, the initiative, or he has not sufficient initiative to hammer away and get what he wants; he is hampered; his hands are tied. To illustrate this, they were building a sanatorium—rather, not building, but putting screens on a sanatorium in Lapwai to keep out the flies; the carpenter came along and he began to put on the screens and he left a hole at the bottom that a rat could crawl under; the doctor remonstrated with him; he resented the doctor's interference, and the doctor told me that the matter was referred to the agent at the time; that no satisfaction could be obtained.

I don't know whether he went over the agent's head or not, but I saw the screens and the place was as full of flies as it could be; they called it, at that time, "the Government fly trap." The doctor had finally been made superintendent, and he put in screens that were effective in keeping out flies.

By the way, I did not see any one building during my work that was properly screened from flies. The sanatorium at Lapwai was being screened properly. All the other places there were single screen doors instead of double.

Q. Do you think you could get better doctors if they paid bigger salaries?—A. Yes; I think so.

Q. What can you say as to whether there is an actual need of better doctors on the reservation?—A. There are perhaps some who

should be retired, but I believe the majority of those men, if their work were mapped out for them and supervised, would make good.

Congressman BURKE. Were there many of the doctors you came in contact with young physicians who had had only a little experience?—

A. No; Dr. Kelly was the only man who was young.

By Senator TOWNSEND:

Q. Did you meet the doctor over at Fort Spokane Agency?—A. No; I did not meet him; he was going out just as I came in; I believe that one trouble is that there is no uniform centralized plan of campaign; on the reservation heretofore, the physician has been a separate unit. He has made no extensive report to anybody except in special cases. He usually does not report what he is doing. There seems to be a lack of effective central organization for that branch of the service.

Q. What would you say as to the advisability of transferring this health service of the Indians to the Marine Hospital Service?—A. There are many things to be considered; personally, I think it would be a disagreeable work for the average physician in the Public Health Service, but I have no doubt he would do the work, and, once it had to be done, he would do it willingly and properly. It would cost quite a little more to do the work, for the reason that the salary of the Public Health man is much larger than that of the Indian physician.

Q. Well, I am anxious to know your opinion as to the results that could be obtained by this transfer, if one were made.—A. I believe results would be obtained, because I know the men in my service pretty well, and they usually, when they are sent to do a thing, they do it.

By Representative BURKE:

Q. In the Public Health Service, are the regulations and powers of the physicians greater than they are in the Indian Service?—A. Oh, yes, infinitely so.

Q. That is, in the Indian Service, as I understand it, one of the difficulties is that physicians haven't got powers enough?—A. That is true.

Q. They can suggest or they can direct what an Indian ought to do, but he hasn't any means of enforcing it, as they do in the Public Health Service?—A. That is very true.

By Senator TOWNSEND:

Q. And also, is it not true, if it were transferred to the Public Health Service, there would be some head to it, and a general system too?—A. There would undoubtedly.

Q. And none exists now, in the Indian Service?—A. I believe there is a supervisor in charge in Washington, but just what his plan of organization is, I don't know.

Q. Does he make a report?—A. I presume he reports to his superiors.

Q. Have you even seen a printed report of that service?—A. No, I never have.

Q. What is the effect of general education upon the health of the Indian?—A. Undoubtedly, it improves his health; the more the Indian knows, the better he is going to care for himself, and almost invariably the half breeds were in better condition than the full bloods, or quarter breeds.

Q. You answer this from the result of your investigations?—A. Yes; my observation too, if I may be allowed to make it, is that the Government schools are doing better work than any other schools on the reservation regardless.

By Representative BURKE:

Q. The Government schools?—A. Yes.

Q. By that, you mean the agency schools?—A. Yes.

Q. Did you notice any Government nonreservation schools?—A. Yes, there is not a great deal being accomplished; the day school where the Indian is there alone, is not in my opinion as good as the boarding school, in so far as his education is concerned. If they are in the same school as white children, I believe it would be better for them.

By Senator TOWNSEND:

Q. I was going to ask you that; you think the mixed school is the best kind of school?—A. So far as the Indian is concerned.

Q. What do you think of the white child?—A. If the Indian does not have trachoma or tuberculosis, I see no objection to his entering the white school, from the standpoint of the white child.

Q. Well, proper supervision could exclude that all right?—A. Yes.

Q. Did the Indians whom you visited understand the dangers of infection and contagion?—A. As a rule, no, they did not.

Q. Did they understand you when you explained to them, you think?—A. They understood as a rule what I was there for, but often they were indifferent about it. I didn't have time to explain what they should do; I was simply investigating to report on conditions.

Q. Then, did you make any suggestions to the people at the time where they found diseases?—A. Yes.

Q. Did you find in existence the old Indian doctor in any cases?—A. Yes.

Q. What can you say as to the amount of work he is doing among the Indians now—the medicine man, I mean?—A. He does comparatively little.

Q. Do you know whether the Indians, any considerable number of them, still have confidence in their medicine men?—A. I think that the younger ones have very little confidence, but when the Indian is sick I think most any of them would resort to them if they couldn't get anything else.

Q. Is there any virtue, in your judgment as a scientific man, in the treatment of the medicine man?—A. No.

Q. Is it more detrimental than beneficial?—A. Certainly I think so, because it perhaps prevents the Indian from learning what is good for him.

Q. When the Indians fail to get relief from the agency physician, does that tend to make him lose confidence in the Government?—A. Yes; it does. The Indian does not understand that either. The Indian does not realize that the treatment of disease is more than giving a few pills or a little medicine; he has not grasped that yet.

Q. Now, I understood you to say that there is a difference in the condition of health and in their willingness to accept treatment, between the old Indian and the younger Indian?—A. Yes.

Q. And especially between the older Indians and the younger Indians who have attended school?—A. Yes; a marked difference.

Q. What can you say, doctor, as to whether the management of the affairs of the Indians by the Government has actually improved their condition, or whether the Indian if left to himself would have been just as well off, or perhaps better off, than he is after Government supervision?—A. I must say the Indian is better off for having been supervised.

Q. You, of course, are familiar with the report you made in 1912?—

A. Yes.

Q. And you noticed the excellent condition of health existing among the Navajo Indians as compared with the others?—A. I was not among them.

Q. You noticed that report?—A. Yes.

Q. The printed report of 1912, which contained the result of your investigations?—A. Yes, sir.

Q. You noticed in there that the Navajo Indians were in much better condition?—A. I believe that I recall that now, since you mentioned it. I read it hurriedly at the time.

Q. And they have perhaps had the least done for them of any of the Indians?—A. I might say this: That I believe that a system that would tend to make the Indian depend on himself, and as much as possible throw him in contact with the white man, would be the best for the Indian.

Q. Well, how would you suggest that that be done?—A. I would have to think over that before I could give you a really intelligent answer. So far, I have only thought of the medical side of the trouble. There are men who have been years working on the other side.

One thing I would say, as nearly as possible I would get men who are in charge of Indian affairs who, after they are acquainted with the Indians, become enthusiastic over their work; men who will understand their problems and try to help the Indians themselves.

There are such men in the service to-day. There are other men who are working just as hard, but who have not the missionary spirit of it, as I may refer to it. I do not mean in a religious sense, but who have not the feeling for the Indians. Other men who, perhaps, do not work any harder have. I met several men in the Indian service who impressed me as understanding the Indians more than any others I had met, and who were working along lines which produced the best results.

Q. What per cent of the children over the reservation where you were were attending school?—A. Those that were of school age, the percentage was large; I should say, excluding cases of tuberculosis, that it must have been 90 per cent; perhaps not that large, but certainly high; I found very few children of school age in the homes.

Q. Did you find the schools pretty full, generally, where you visited?—A. Yes; except the school near Lapwai, and perhaps at Coeur d'Alene. There were a good many, they told me, who had not yet come in.

Q. Did you find any disposition among the older Indians to keep their children away from school?—A. Yes.

Q. What were their reasons for that? Did they give any?—A. I don't recall any of these having been given by an Indian; no.

Q. Well, what did you learn was the reason?—A. I believe that the Indian, in the first place, wants his child at home because he likes to have him there, either for his companionship or for his usefulness; I think that is the prime motive. That is really an opinion. I have heard it stated that the Indian says it seems that when his child goes to boarding school he gets tuberculosis; he never says anything about his eyes; as a rule, the Indian absolutely ignores the fact that he has anything the matter with his eyes, and I have picked out some of the worst cases of trachoma, as far as their critical appearance was concerned, and they would stoutly deny that they had anything the matter with their eyes. Others would admit it without any question.

Q. Did you find any cases at the schools you visited?—A. At the Fort Hall School, especially, the conditions there were such that I have no doubt there was a great tendency towards developing tuberculosis.

The man there realized that and the doctor told me frankly, "Doctor, frequently they come in here feeling and looking very well at the beginning of the school and I have to send them home after a few months tubercular. We are doing the best we can with what we have." I suggested that if they could not do any better that they get sleeping bags for them and let them sleep out on the porches. They had built a porch but it was so cold there it is hard to have them sleep out in the dead of winter. They thought it was a good suggestion; I don't know as they did; of course that would be limited—although I suppose there are a good many schools where it is pretty cold. That is about the only place in Idaho or Washington where it is so very cold as the boarding schools; I don't know how cold it is at Yakima.

Q. What can you say, Doctor, as to whether after your investigation and your familiarity with the Indians the organization of the Indian Service so far as it relates to hygienic and sanitary conditions and the health of the Indian is concerned, whether it is satisfactory or not?—A. Very unsatisfactory.

Q. You believe it should be reorganized in some way?—A. Yes.

Q. Have you any definite plan as to how it should be reorganized?—A. I believe that no one man should be given the work of reorganizing that service for the reason that three good men can formulate a better plan than one or a half dozen good men, for instance, than one. It is a hard question to answer in a way without saying things that I would rather leave unsaid.

Q. I hope you won't hesitate to say anything because you are forced practically to testify. You are not. We don't want to embarrass you. We are very anxious to get the ideas of men who have given this thought and are worth considering.—A. I have been in the Public Health Service as I stated for nearly 14 years. I believe ours is one of the very best services there is in so far as organization is concerned. I think our plan is ideal or at least has given better results than any other organization of which I know. I would reorganize the Indian Service along these lines. I would have a strong central bureau of men who are there to do this work and who are to be held accountable if they do not do it—men who will see that the men in the field are put right and required to do their work; that is what I am to do; I am given my liberty to do my work in my own way, but I have to get results.

It should be the same way with the doctor on the reservation. "Now, Doctor, here is your particular problem; here is what is being done along other lines—take what of it fits your reservation and do what you can to get results, and if there is anything in your way let me know what it is." A central bureau who has the right to inquire what the doctor is doing or how he is doing it, and if he don't do it, why he didn't do it; I think that is what is lacking.

Q. You mean by that you would have a separate bureau from the public health?—A. That is a matter which somebody else should decide.

Q. It would be more economical to put it in the public health than to establish a separate bureau would it not?—A. Yes, sir. And I would say if that were done that I believe that the majority of the men now in the service should be put in the way of doing that work properly in the Indian Service.

Q. Could the men who are now in the public health service take on the additional duty to cover at least a portion of this work for the Indians?—A. Without this force I should say no, certainly not. We have not enough men for our own work.

Q. You could use some of the men already employed in the Indian Service, however.—A. Undoubtedly.

Q. Would the health service be in a position to eliminate the incompetent and the unfit men who are now in the Indian Service?—A. I don't think so unless specially authorized to do so.

Q. They would not be embarrassed in doing this if they had authority to do it?—A. I don't believe so.

Q. I have been satisfied myself that we have physicians in the Indian Service that are there for perhaps temporary reasons and who are not properly impressed with the seriousness of the job.

By Representative BURKE:

Q. They have a good many physicians who are contract physicians who receive such a compensation that they can not take the interest; for instance, on the Yakima as I recall they have contract physicians at two points who receive \$200 a year; you would not expect very much for that compensation?—A. No, you could not.

Senator TOWNSEND. They have got to live on their outside practice, of course.

Representative BURKE. They make this contract with a regular practicing physician; of course he responds to calls, and that is all he is going to do.

Senator TOWNSEND. He admits that he does not continuously go there unless he is called. He doesn't make any investigation or attempt to make any as far as that is concerned. I don't think of anything further now, Mr. Burke.

By Representative BURKE:

Q. Doctor, in visiting the homes of Indians upon the different reservations, what kind of reception did you get; what was the attitude of the people that you found in these homes? A. Usually interested and usually quite cordial; rarely were they openly resentful; not infrequently indifferent. In many instances they were very anxious to find out if anything could be done for them; they were looking for something. On the Nez Perce reservation I was very much surprised to find that they were not only very indifferent but

more resentful than anywhere else—suspicious, quite so—and yet those who were in the sanatorium were quite happy and contented.

Q. Did you have with you an interpreter so that you——

A. Yes, I always went with an interpreter.

Q. And did you find them in some instances reticent to respond to your questions that you would ask of them or decline to let you look them over or examine them?—A. Very unusually; as a rule I had no trouble at all.

Q. No trouble?—A. No.

Q. They seemed to be entirely willing?—A. Very.

Q. To give you any information they could and allow you to look them over?—A. Yes, sir; frequently quite glad to have me do it.

Q. In examinations of children outside of the schools how did the percentage of trachoma compare with the children that you found in the schools?—A. It was generally less because the children were younger, had not had as much opportunity to get it, although I found children under a year old with trachoma.

Q. Then you found the percentage as you recall less of the children that you examined outside of the schools than in the school?—

A. Yes, a little less, although the difference was not as small as one might suppose.

Q. Then that would indicate that of the schools you visited there could not have been any regulation in force by which examination have been made and children with trachoma rejected?—A. I am sure that very very few children have been rejected for trachoma; just what examination has been made I don't know but it was a common experience to walk into a school and pick out case after case of trachoma.

Q. Do you recall finding many children outside of the school that you learned had been excluded from school because of trachoma?—

A. No, not for trachoma.

Q. Then so far as your observation goes you saw no evidence——

A. Except at Simcoe.

Q. That any regulation was being enforced with reference to excluding trachomatous children from school?—A. Except at school there had been some excused. At Pullalip also there had been some excluded.

Q. Did you have an occasion to obtain information in the homes you visited as to the method of preparation of food used by the family—regularity as to meals, and whether they were sufficiently fed?—A. Yes; the food is, as a rule, poorly prepared, insufficient in variety, at least, and perhaps even in quantity; that is especially true for children from 1 to 5 years old. I am told that the death rate among Indian children under 1 year old is less than among the whites, but from 1 to 5 years it is very very marked. That is because the Indian nurses her baby until he is a year old or more and he is a pretty healthy youngster until that age, but after that he is improperly fed until he gets big enough to eat all kinds of food; all kinds of food he gets, and consequently many of them die from that.

Q. Don't you think it is true that much of the food that they eat is food that is really not fit for human beings to consume?—A. Very likely.

Q. What would be the effect of that kind of diet on the health of a person?—A. Naturally a poorly nourished individual has less

resisting powers to disease. A poorly fed and poorly housed person will contract disease easily, quicker than a well fed person, and he succumbs more easily once he has disease.

Q. Do you think that trachoma may occur as a result of hereditary taint—if that is the proper way to express it?—A. I don't believe that trachoma is hereditary in the ordinary sense that we use the word. That a parent may transmit a tendency toward trachoma or any other disease, with which his race has suffered for a number of generations, I have no doubt.

Q. In other words, if trachoma had prevailed in the parent and the grandparent of a child, a child would be more susceptible to disease than in a case of healthy parentage. He would probably take it easier, but it would probably affect him less. It would not give him near the inconvenience that it would. What about tuberculosis as to being hereditary?—A. I think undoubtedly that there is a very strong tendency to transmit it to offsprings. I believe, also, that calves have been born with tuberculosis.

Q. Now, there is no doubt but what trachoma, if taken at the proper stage, can be completely cured, is there?—A. I would hesitate to say that every case can be completely cured.

Q. No, but in the large percentage of the cases?—A. I think that is a fair statement to make, yes—cured in so far as making that individual a useful member of society. That is, he retains his vision, and also he is not a menace to his fellow.

Q. What are the cases that can not be cured?—A. That would depend on the individual to some extent. I presume a case having gone on for years and years, once the eyeball becomes affected the patient develops a corneal ulcer, for example, or that condition which we refer to as staphyloma, resulting in total blindness; of course partial at first and later full.

Q. And what portion of the cases that you examined did come under your observation, do you think, could be cured among the Indians in Idaho and Washington?—A. I would say all those who have any sight left could be treated. The majority of them, perhaps, put into a condition where they will not give the disease to another person and where they have useful eyes. There were perhaps many of them—many of the lids have scars that would disfigure, somewhat, the eye. We generally consider a scar case of trachoma as cured. I have no doubt 60 per cent could be brought to a condition where there would be no deformity; the disease would be arrested; they would not be a menace, and they would have useful eyes. Another 20 per cent the disease could be arrested; they could retain fair vision; perhaps less than 5 per cent are hopeless.

Q. Now, it is your opinion that trachoma has been prevalent among the Indians of Idaho and Washington for a good many years?—A. Yes; I saw some cases where I have no doubt from the history that they had been affected for 20 years.

Q. And until very recently no special attention has been given?—A. No.

Q. To the treatment of the disease?—A. I wish to mention one case: A very well educated Indian on the Lapwai reservation—very well-to-do—had four children in school; on looking them over I found they were all trachomatous. I went to his house; the wife was free from trachoma, apparently, and so was his mother. I met

him much later, and he had on glasses; I examined his eyes and he had trachoma; not in a very active stage, but he gave a history of having been treated five or six years before in Oregon a long time for his eyes. All four of his children had it, and he was almost well, had very good eyes, and was using his glasses—this as a result of his treatment, no doubt.

Q. I was going to ask you about the probability of recurrence where it is cured at the proper stage. I mean treated at the proper stage and perhaps a cure effected. Is there likely to be a recurrence?—

A. Not a case that is wholly cured; in cases that are not entirely cured but are apparently well, they should be looked after carefully.

Q. Now, the large number of cases that you examined on these reservations in Idaho and Washington, did you find any real blindness, and if so, to what extent?—A. I don't recall exactly the number of blind I reported; I think it was seven or eight; some of it was due to cataract; some due to trachoma, I believe; but in a number of cases partial blindness certainly due to trachoma.

Q. Now, what would be the ages of those you found blind, or nearly blind? Would they be quite old or at different ages?—A. As a rule they were old, but in some cases children 10 or 12 years old were almost blind.

Q. Did you happen to see any blind persons that you came in contact with?—A. Yes.

Q. Where did you find them, in their homes?—A. Yes.

Q. And did you make any inquiry or get any information as to whether or not such Indians were being given any special care? That is, did they appear to be looked after and receive proper subsistence and so forth?—A. As a rule they were cared for by the Indians themselves through the Indian family—I think, without exception; some of them seemed to be fairly well cared for; at least no complaint; there were one or two places where there was a rope stretched from the tent out forty or fifty yards and the Indian—that was about the limit of his daily walk; he would go up and down that rope; that is as far as he would go.

Q. Now I believe you stated that in your opinion you would not favor a central hospital for the treatment of either tuberculosis or trachoma?—A. I think the central sanitorium is practical in tuberculosis; I don't believe it is in trachoma.

Q. Would you believe it would be desirable, for instance, to establish a sanitorium somewhere in the southwest, perhaps new Mexico or Arizona, and to take Indians there for instance from Idaho and Washington to that place for treatment?—A. For tuberculosis, yes; barring the fact that they have a good place at Lapwai. Lapwai has a good climate and conditions there are excellent; they have plenty of milk and butter, produce their own food, feed well and are treated well.

Q. You have personally examined that movement at Lapwai?—A. Yes.

Q. There have they any hospital or place for treatment at the present time?—A. Yes, they have.

Q. And what do you find the conditions there and what is the hospital that there is?—A. Considering conditions under which they have labored I think they really have a very creditable institution.

Q. Just tell us how it is constructed and equipped if you will and

how many there are there?—A. At the time I was there there were about 60 pupils sick, that is they had tuberculosis; at the same time they were going to school; they are going to school part of the time—half a day—they had light work or light exercise half a day; the buildings are buildings left perhaps by the Army—old Army hospital, perhaps.

Q. What are they constructed of?—A. Wood.

Q. Are they constructed so that the sleeping apartments are in the open air or how?—A. Just fairly well ventilated; they are not in the open air, no, but a good deal of attention is paid to their sleeping quarters; they are made comfortable and as much air as they can, and the climate is mild and I have no doubt that the conditions which they maintain there—

Q. Who is in charge of that institution?—A. Dr. Alley of the Indian service is in charge of that.

Q. And what force did he have under him?—A. He had a nurse, who impressed me as being a very efficient woman, and a number of attendants; I don't know about them.

Q. What is the belief from the medical standpoint at the present time as to the curing of persons afflicted with tuberculosis?—A. I presume that 95 per cent—some authorities say 100 per cent who live under modern civilized conditions have tuberculosis some time in their lives; 14 per cent die of tuberculosis; that means that 86 per cent get well. I have very often in doing a necropsy or autopsy have found old killed scars; the patient died of something else.

Q. Do you mean by that statement that the patient had tuberculosis of the lungs?—A. Not necessarily tuberculosis of the lungs, no, sir.

Q. Excuse me for interrupting.—A. I don't know of the per cent in the lungs but I think it would be very high. Tuberculosis taken in the early stages and treated properly, proper food and proper exercise, a moderate amount, not too much; a proper place to sleep in regard to ventilation—air—certainly a large number would get well. We have such a sanatorium in New Mexico where we send a large number of sailors.

Q. Where is that located?—A. Fort Stanton, N. Mex.

Q. Do you know about what the attendance is at that institution?—A. I do not, but I think we have from 50 to 125 perhaps there.

By Senator TOWNSEND:

Q. There is one at Baird too, in New Mexico?—A. Perhaps that is an Army hospital.

Senator TOWNSEND. Yes, that is an Army hospital.

By Representative BURKE:

Q. If there was an institution for the treatment of tuberculosis among the Indians at some central point do you think Indians could be prevailed upon or refuse to voluntarily go for treatment?—A. The younger ones yes, I have no doubt.

Q. Would there be quite a number of those afflicted with tuberculosis that you would say that there was no use of sending them to a hospital, their condition so far advanced that it would be—they might as well die one place as another?—A. Yes, that is quite true.

Q. Then you would only send certain patients that had not reached such a stage but what they could probably be cured?—A. Those are the ones I would send; I would not send the others.

Q. In your visits upon different reservations at the homes of Indians did you find in some cases where there were more than one family residing in a house?—A. Yes, some times there would be.

Q. How many?—A. Well, I don't believe as a rule more than two; I believe in one place there were three families practically almost in the same room.

Q. Some children?—A. Yes, but it is very common for the whole family to sleep in one room.

Q. I was going to ask you if the houses generally are not limited to one room; that is one living room; there may be a kitchen but generally one room?—A. Yes, generally one room.

Q. I believe you have already stated that they pay little attention to ventilation and generally the place is closed up?—A. Yes, that is true.

Q. This report states that the best condition so far as health is concerned is among the Navajos. It is well known that they are nomadic; they live in the open air; they have herds of sheep and goats which they follow, living that kind of life would there not be less tendency to tuberculosis particularly than where they are living as they are living on the reservations in Idaho and Washington?—A. That depends on how they sleep at night; if their sleeping quarters at night are bad the affect of the nomadic life would be in a way counteracted; if their sleeping quarters were properly ventilated. Although it must be remembered that in judging a tribe like that over a considerable period you might be misled because there might be a survival of the fittest; there might be two or three generations before you could determine that they were a particularly healthy race.

Q. Did you get any information so you would be able to state what the custom is among the Indians about assembling for purposes of entertainment or dances or anything of that kind?—A. There are in many places such assemblies of Indians. I see no reason why there should not be. I believe that the more of a social gaining there is I believe the Indian will be better for it.

Q. Well, if these infectious diseases are prevalent, doesn't it have a tendency to spread the disease if they are permitted to assemble generally and promiscuously for such purposes?—A. Not the diseases from which they are suffering. I would not think it had much influence. If it were something like smallpox or measles or something like that, possibly, but I don't believe the influence of tuberculosis or trachoma would be worth considering.

Q. You have probably seen Indians oftentimes on a reservation where they come together, 8 or 10 sit down in a circle or pass the pipe one to another; what do you say as to that?—A. That of course is certainly about as dangerous a thing as they could do.

Q. That would be quite likely I presume to transmit tuberculosis, would it not?—A. Possibly; yes.

Q. Did you find any indications upon the reservations that you visited showing any considerable tendency or extent of venereal diseases among the Indians. or did you give that any attention?

A. I gave it some attention; I believe that venereal disease is considerably less on the average reservations than perhaps it is amongst

the whites, though on the Coeur d'Alene Reservation there was some venereal disease.

Q. Any syphilis?—A. I saw none, but the doctor told me there was syphilis there, and I saw, as far as that is concerned, on several reservations symptoms among the older ones that looked like syphilis. I would not have made an absolute diagnosis, but it is comparatively rare, I judge from the superficial investigation I made, and also the doctors usually would have known more about it because the Indians would probably hunt him up on the question of venereal disease.

There seems to be a sentiment among the Indians that if one of their Indian women gets out of the tribe they are all against her—very strong tribal customs, I think, on that score.

Q. Are the States of Washington or Idaho taking any interest in these infectious diseases among the Indians and doing anything toward correcting the conditions? A. About all I know of what they are doing is they have been trying to get vital statistics and they complained to me rather bitterly because they had not been able to get them from the reservation.

Certainly I believe the State authorities regard these reservations as out of their jurisdiction. They frequently bring what pressure they can to bear on the reservation physician to vaccinate his people. For example, Yakima was complaining that the town of Yakima got the smallpox from the reservation, and the reservation thought they were equally lax in Yakima, and I thought so myself.

Q. Outside of that they do not take any interest in the suppression of these diseases?—A. I don't think so.

Q. You have made a statement as to the agency physicians that you found and expressed your opinion generally on the subject. This report, which is House document No. 1038, Sixty-second Congress, third session, on page 80, makes this statement: "The status of the agency physicians was found to be unsatisfactory from the standpoint of inadequate compensation, lack of organization and the expert esprit de corps necessary in any great coordinated work." Do you wish to say anything in regard to that conclusion in addition to what you have already stated?

A. No; I don't think so, except that more or less that statement was embodied in my report—not in those words, perhaps. What are you trying to develop?

Q. I want to know whether you indorsed all their statements?—A. Yes, sir.

Q. I rather got the impression from what you stated in response to Senator Townsend's questions that perhaps you did not indorse that?—A. Oh yes, I do.

Q. That you found a pretty good class of physicians?—A. The point I wish to make is this—those men would be all right if they were told what to do and given to understand that they must do it.

Senator TOWNSEND. That is, if they knew and their—

A. That is, if they knew and their work could be easily explained to them; they could be easily put right about it; they simply need somebody to say "Do this," and see that he does it.

Q. On page 81 of this report among the recommendations it is stated:

Wherever necessary and practicable, cooperation should be had with State boards of health in putting these recommendations into effect.

Now, don't you think it would be practicable for cooperation on the part of the boards of health of the different States to work in connection with the physicians of the Government in the treatment, etc., of these diseases, and ought not the State take an interest in it?—A. Yes; especially when white children and Indian children are in the same schools. Unfortunately, here the State board's funds are very limited.

Q. On page 84, under the paragraph numbered 26, it is stated:

Hospital facilities should be provided upon reservations for the care of advanced cases of tuberculosis, but these hospitals need not be expensive in construction or operation, and removal of patients to distant places without the reservation is not advised.

Do you indorse that suggestion?—A. Referring to advanced cases, yes; provided, of course, there are funds; that is what I think.

Q. Then you think that recommendation is not intended to imply that there ought not to be a central hospital established somewhere for the treatment of cases where not advanced?—A. No, I don't think so; because very often it is so hard to have the proper conditions for these cases on the reservation.

You take a place like Lapwai, it would not make so much difference because there they can put them out in tents; but you take a place like Fort Hall and it would be very hard to build a satisfactory sanatorium on that reservation—very hard.

Q. I wish you would give us your opinion or your ideas of how a hospital for the proper treatment of tuberculosis among Indians should be constructed? How it should be equipped and where it ought to be located?—A. That is a question a man ought to have time to think about before being required to answer. You understand that very often preconceived ideas have to be modified once you face the situation, but offhand I would say that if funds were at my disposal I would, in each reservation, as nearly centrally as I could, establish a plain, cheap hospital, built in accordance with climatic conditions on such reservations where the climate is not severe—might even have a number of tents. The Indian takes very kindly to a tent; does very well in it.

Other places you would have to have more substantial housing, and I would take means to induce those Indians to come there if they were not in a condition where they could be cared for at their own home. There would be perhaps a few who could be cared for. I would simply go about with the idea of making that individual as comfortable as I could with the funds I had; that is about all I could say.

Q. Well, the construction of a hospital such as you have in mind does not contemplate a very expensive structure?—A. No.

Q. Would it be practicable to have such an institution on the different reservations under one roof for the male and female, or would you separate them in different buildings?—A. I see no reason why it should not be under one roof, with separate wards.

Q. You would, of course, have a corps of nurses in these hospitals?—A. Yes.

Q. And maintain practically the same conditions that prevail in hospitals generally?—A. Yes; what I think would be better for the Indian would be this: A general hospital where he would be brought, to mature what his case. Very often it is the curable case of some

other disease, where you could do the most good. For example, take a child five years old who has fever; say he lives 10 miles from the fort; you can not do a thing for that child; bring him to the hospital, put him in charge of a nurse, and send him home well. Once the Indian finds out his child goes to the hospital and gets well, he will send him; while if he is going there to die, of course he won't let him go. Take measles: lots of them die of measles. Those children could be taken there and get well in two or three weeks and probably they would die in the home. I would have a hospital where I could treat any sick man, broken leg, anything; bring him there and keep him there and send him home.

Once he finds he is taken care of and treated well, fed well, and gets well, he is going to hunt it. Once he thinks, "What is the use of going to the doctor?" he doesn't go. The Indian sends for the doctor; the doctor comes to see him—see his child, perhaps—gives a little medicine, comes may be once in three days, and the child dies. He thinks, "What is the use of the doctor anyhow? It doesn't do me any good, it doesn't do him any good; the medicine man does about as well."

Senator TOWNSEND. I don't think you quite answered all of Mr. Burke's question, as to the location.

Representative BURKE. That is right.

A. That is something that would have to be worked out on the ground, I think, individually.

Q. Now, that would apply to the reservation hospital?—A. Yes.

Q. Now, there is a proposition, and you have testified about that to some extent, and something in your report—there is a proposition to locate a central hospital in the United States for the Indians who can be cured and who could be induced to go there. Where would you locate that, and why?—A. I have not investigated along those lines. I know that men who have investigated think that New Mexico and Arizona are perhaps among our best places, though I have no doubt there are a number of places that sanitariums could be built to advantage.

Q. The climate there is conducive to—A. Yes.

Representative BURKE. The altitude should not be too great in tuberculosis?

A. No; it should not be.

Q. I want to ask one question: Suppose that the health of the Indian was placed under the Health Department. Are there now any hospitals where it would be practical or possible to treat any considerable number of Indians? You suggested that you would have places where you would take an Indian who had a broken leg; would it be possible to take Indians to hospitals that are already equipped and established; and if so, to what extent?—A. To a limited extent only. At Simcoe they have a hospital there where they could do something along those lines, but not very much.

At other places there are buildings available; the condition of those buildings are perhaps not what they might be, but if they have to do, they could do with a good deal less, I would suppose. At Miles, on the Colville Reservation—Fort Spokane, there are a number of buildings there that might be utilized. The main trouble there is that the Indians are quite a little ways from the buildings. At Lapwai, of course, all their available space is taken.

Q. What I had in mind, doctor, is that you have some hospitals now under the Public Health Service.—A. Oh, you mean in our hospitals?

Q. Yes, I mean hospitals already equipped.—A. I didn't understand you—beg pardon.

Q. At a slight expense, couldn't the force at some of these hospitals be increased, so you could have a larger attendance than you now have?—A. Yes; I have no doubt it could be arranged. Port Townsend, for example, is a place where, at little expense, it could be increased.

Q. How about your main hospital in New Mexico?—A. We have quite an extensive sanatorium there, and I think it is a question of funds; I believe they could accommodate a great many more than they do, if they had something to feed them on.

Q. It is a question of economy?—A. They are, I believe, there handled quite economically; they are fed well, and that is important.

Q. Would there be any objection to enlarging it and taking the Indians there?—A. Not to my knowledge.

Q. With a bigger institution—A. I was not referring to tuberculosis when I said Port Townsend; I was thinking of something else.

Q. With bigger institutions and more patients, you would really have better equipment than with a smaller number.—A. Relatively it would cheapen it; the more you have, the cheaper you can support them.

By Senator TOWNSEND:

Q. Did you meet the farmers and Indian policemen when you were going over the reservations?—A. Yes.

Q. What class of men are they?—A. The Indian policeman was usually just some Indian picked up on the reservation and put on police duty. He does in the least objectionable way he can whatever he is told to do toward bringing in school children and other duties; he wants to keep on the good side of his people, yet at the same time he wants to earn his money—get it. The Indian policeman did not impress me as a rule. He did a disagreeable duty in perhaps as good a way as it could have been ordinarily enforced in some respects. The farmer—I don't recall but one farmer that I talked to; he didn't impress me very favorably—this farmer did not—though I had little chance to judge of just what he was doing.

Q. Could not, if the proper people were selected for these particular positions, having in mind among other things the health of the Indians, couldn't they be made more useful?—A. They could, but I think it would be necessary to give the Indian to understand that he is being told for his good, and be made to do things that sometimes he refuses to do; in other words, he is not handled perhaps as—in other words, very often if you tell an Indian to do a thing and he doesn't do it, if you insist and go about it in the right way you can induce him to do it. If he understands that he will be forced to do it, he will do it; he is handled too timidly, too.

Q. You know it is characteristic of the Indian that he has to be told things repeatedly, over and over again, before he will do it?—A. Yes.

By Senator TOWNSEND:

Q. Let me advert to a matter of which we have already spoken. There has been a great discrepancy between your report as to the

amount or percentage of trachoma and tuberculosis on the reservation and the cases of physicians, agents, and others on the reservation of the amount that exist. I notice here, for instance, in your report, in Senate Document No. 1038, Sixty-second Congress, third session, in reference to Yakima, and I could refer as well to Colville, that you visited 300 or examined 306 Indians out of a total of something over 3,000 Indians on that reservation.—A. Yes.

Q. And among them, among all the school children in the schools, many of that number— and you say at Fort Simcoe—you knew there that the rule prevailed that the children were not to be admitted if they had the disease?—A. In an active form.

Q. You say you found 65 cases of trachoma in those 306, making a total of 21.24 per cent of the Indians you examined had trachoma, and from that it is inferred that that is the general ratio that would maintain on the reservation, whereas those there tell us that it is much greater than that.—A. They say there is more trachoma there?

Q. More trachoma than 21 per cent.—A. Well, I believe my estimate was conservative. I was trying to make a conservative estimate.

Q. And at Colville here you put it much greater.—A. Well, they are there, there is no question about that.

Q. Not quite so great as 20.22 per cent you put it there. Now, the doctor at Omak, who visits the school—do you remember what that doctor's name was?—A. Dr. Kelly.

Q. He was formerly at Spokane?—A. No, I don't know him.

Q. He was probably at Spokane when you were there?—A. He got in there the night I left.

Q. I can not think of his name now.—A. He got in there the night I left. I left the next morning early.

Q. He thinks, according to his testimony, as I recollect it, that perhaps there was 60 or 70 per cent of the Indians in that part of the reservation under his jurisdiction who were afflicted with trachoma.—A. Well, I will tell you. There was perhaps 60 or 70 per cent afflicted with conjunctivitis. I don't think there is any question about that. A great many of those cases might have been beginning trachoma. I did not count every case of conjunctivitis as a case of trachoma by any means. I merely wanted to see when I made a report that some other doctor, if he went on my heels, could not say that "this man has called everything trachoma that he sees."

Q. Would the same treatment that is applied to trachoma be effective in conjunctivitis?—A. In what I thought was ordinary conjunctivitis I would begin with a milder treatment. If it is not trachoma at all, it will clear up easily in three or four days. If it is trachoma it won't, and then you can prepare your harsher treatment.

Q. Is conjunctivitis a serious disease—lead to serious results?—A. Why, conjunctivitis may or may not be a serious disease. Trachoma is a conjunctivitis in the beginning. There are a number of forms of conjunctivitis. A simple catarrhal conjunctivitis is not serious unless neglected. Frequently in examining immigrants we put a man to one side as a trachoma suspect. If at the end of 10 days he is well, we know it was not trachoma and let him go.

(Witness excused.)

Whereupon the commission adjourned.

CUSHMAN SCHOOL, WASHINGTON

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS

FIRST SESSION

TO

INVESTIGATE INDIAN AFFAIRS

OCTOBER 4, 6, AND 7, 1913

PART 3

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CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

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CUSHMAN SCHOOL, WASHINGTON.

SATURDAY, OCTOBER 4, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Tacoma Hotel, Tacoma, Wash.

The commission met at 2 o'clock p. m., pursuant to the call of the chairman.

The following members were present: Senator Joe T. Robinson (chairman), Senator Charles E. Townsend, and Representatives Charles D. Carter and Charles H. Burke.

STATEMENT OF COL. JAMES J. ANDERSON, TACOMA, WASH.

James J. Anderson, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. How long have you resided in the neighborhood of Tacoma?—

A. Nearly 20 years—20 years in December coming.

Q. Are you acquainted and have you been during that period acquainted with the conditions among the Indians in this locality and on the reservations?—A. Yes, sir.

Q. What reservations are near Tacoma?—A. The nearest is Puyallup; and there is the Muckleshoot; then there is the Nisqualli on the west here; then there is—well, the Aquaxin Tribe is out of existence; there is the Miqua Tribe up on Neah Bay, what we call the agency; it is right at the mouth of the straits; then there is the Chehalis south of us, and the Quinaielts; that is about all I remember around here.

Q. Are the general characteristics and manner of living of these several tribes similar?—A. Very much so, with the exception that the Puyallups being adjacent to Tacoma might be a little different.

Q. Will you describe the general characteristics of these Indians? How do they live?—A. Well, I have never known any of these Indians to live in tepees; you know what I mean by tepee?

Q. Yes.—A. They all live in houses; they all wear the white man's dress, both male and female; I never saw one with a blanket or painted face; some of them are good workers, but the majority, principally, are not what we would call good workers.

Q. In what work do they engage?—A. When I first came here they were largely fishermen, but they did something in the way of agriculture, raised their potatoes and vegetables and things of that kind, the ordinary necessities of life, but they live very largely upon fish, so much so that an Indian coming into the office, or several of them into your office, you would want to fumigate it after they went out, because they ate so much dried salmon; they were actually saturated with it.

Q. How do they now compare with what they appeared to be then?—A. The condition is very much improved; one reason being that those of more vicious habits have died off. They have the common Indian characteristic of love for alcohol. Many of them have been killed while drunk on railroad tracks—get drunk and lie down on the railroad track and get killed. Many of them have died from tuberculosis, as that prevails very much among them.

Q. Do they also have trachoma?—A. I don't exactly know what you mean by that.

Q. Well, it is a disease of the eye.—A. Yes, sir; their eyesight is not, as a rule, good.

Q. How long since you first observed the prevalence of trachoma and tuberculosis among these Indians about here?—A. The first time I ever saw them, came among them.

Q. Have you given thought to the question as to whether these diseases are increasing or diminishing among the Indians?—A. Well, I should say they have decreased; I should say so.

Q. I presume, of course, you have made no specific observations with a view to obtaining definite information?—A. No.

Q. What makes you think they have decreased?—A. Well, from ordinary observation among the Indians. I have had a good deal of business with them; you see, I was a commissioner sent out here in 1893 by the Government—one of three members of a commission to negotiate with these Indians for the sale of their surplus lands—and that brought me closely in contact with them for a period of three years, and since then I have simply known them as a man who takes more than the ordinary interest in the Indians. I have a good deal of business with them about the sale of their lands and matters of that kind.

Q. Who is the superintendent of the Quinaielt Reservation?—A. I believe H. H. Johnson.

Q. He is also superintendent of the Cushman School, is he?—A. Yes, sir.

Q. Do you know him well?—A. I know him quite well; yes.

Q. You are familiar with the school and character of work done in it?—A. I am; yes, sir.

Q. I wish you would give the commission your observations in this particular.—A. As to the character of the school? Is that it?

Q. Yes, sir.—A. Well, I know it to be a fact that the school now is far in advance of what it has been at any time since I have known it. It has improved in cleanliness, in discipline, and, I presume, in the course of study. That is something I don't know so much about, but the discipline and the sanitary arrangement I know something about.

Q. What is the discipline now as compared with what is was formerly?—A. At least 50 per cent better.

Q. How long has Mr. Johnson been in charge of that school?—A. I think about six years. I won't say positively about that, but it is somewhere along there.

Q. Do you know the relationship between him and the pupils as a whole—the general feeling between them?—A. In a general way; yes, sir.

Q. State what it is.—A. Very cordial and friendly. The Indians seem to like him. There was some friction between him and the

Indians about a graveyard, or something of that kind—among the older Indians—but between him and the pupils my observation has been that the relation has been very friendly.

Q. What are Mr. Johnson's personal habits?—A. Very good. I might say I knew Mr. Johnson before he came here. That was about 15 years ago, when he was a teacher at either the Omaha or Winnebago schools in Nebraska. I became acquainted with him there, and I did not see any more of him until he came here about 5 or 6 years ago. Since then I have seen him frequently.

Q. Do you go on the reservation often, Mr. Anderson?—A. I pass there quite frequently and have been at the school quite a number of times.

Q. I mean the reservation, the Quinaielt Reservation.—A. Yes; what we call the reservation. It is no longer a reservation.

Q. I am talking about, now, where the Indians actually are.—A. Yes; where the Puyallup Indians are. I have not been on the Quinaielt or Nisqually.

Q. The Quinaielt, I am talking about.—A. I have never been there.

Q. How far is that from here?—A. It is quite a distance.

Examination by Representative CARTER:

Q. I would like to ask, if you can give the information, how many of these small tribes, such as the Quinaielt and Quineutes and those others, are there located in this part of the State?—A. Seven, I count—there may be more; the Skokomish is another reservation, I believe—all under the jurisdiction of what we used to call the Puyallup consolidated agencies. That is what it was called when they had an agent here, and this agent had charge of all of them.

Q. Have any of them reservations?—A. They all have.

Q. All have lands for them?—A. All of those have reservations; yes.

(Witness excused.)

STATEMENT OF WALTER J. THOMPSON, OF TACOMA, WASH.

Walter J. Thompson, being first duly sworn by the chairman, examined, testified as follows:

By the CHAIRMAN:

Q. What are your initials?—A. Walter J.

Q. You are a citizen of Tacoma, are you, Mr. Thompson?—A. Yes, sir; I live just outside of town on a farm.

Q. How long have you been familiar, if you are familiar, with conditions among the Indians in this locality and the Cushman school?—A. Thirty years.

Q. Do you know Mr. Johnson, the superintendent?—A. I have known him simply as superintendent and teacher there.

Q. You have no intimate acquaintance with him?—A. No.

Q. Do you visit the school?—A. Generally from two to three times a year.

Q. How long have you been in the habit of doing that, Mr. Thompson?—A. Well, the last three or four years especially. In

previous times, when other agents were there, I used to know some of them and go there, perhaps, once a year.

Q. How does the school, in your judgment, compare now in efficiency to what it was under former administrations?—A. I have been very much pleased with what I have been seeing happen there in the last few years—the development of domestic science and manual training and the general appearance of the students have given me a great deal of pleasure. I take an interest in that, and that is the only reason I am acquainted with it—my interest in the educational side of the children. I am not familiar with any of the reservation Indians, except simply the Puyallup Reservation and the school.

Q. Have you heard any complaints of a general character which you deem it your duty to call to the attention of the commission?—A. None whatever beyond a query in my mind about what this thing was about. Someone said there had been some complaint against Mr. Johnson. I don't know what that is.

Q. Mr. Johnson has the confidence and respect of the people in the community in which he lives?—A. I have never heard anything to the contrary. I have met him frequently. I have gone over to the school and spoken to the children, generally once a year, and met them at their social affairs—go over on Christmas—and when they have had various things like that, and I would go there and inspect the shops and the buildings and see how they are developing, and that is the contact I have had with the matter. I have seen him simply incidental to those visits; that is all. I have not met him in any other way.

Q. Have you observed the Indians generally in this locality?—A. The Puyallups only.

Q. Sir?—A. The Puyallup Indians only.

Q. How does their condition compare now with what it was formerly in the way of general conditions?—A. It has steadily improved, I think, in every way—mode of living and results of farming and stock raising, and so on. I attended the Puyallup fair last week and there were some very creditable horses exhibited there, raised by Indians, and they produced vegetables and farm products in a very creditable way.

Q. Do they suffer from many diseases?—A. Why, I can only speak from hearsay and slight observation from merely seeing them. I assume they do from tuberculosis and lack of proper care.

Q. Have many of them sore eyes?—A. I have not observed that closely enough. I have seen some with a bad squint—the women seem to have bad eyes; many of them—I am not familiar enough with it to speak.

Q. Are more of them farming now than when you first observed them?—A. I think so.

Q. You think they are gradually taking to agriculture?—A. I think so. It is my impression that there is less drinking among them than there used to be, or that they have better control of themselves than they used to have. Nearly all of their old leaders—old General Spot and Peter Stanip, and some of the other names escape me; Jeremekah—those men were pretty competent fellows; they knew a whole lot; they were worth talking to and shaking hands with and

talking over affairs. They understood our form of government thoroughly; they were good politicians; they understood their rights; and there is a lot of the younger generation which has come on that I estimate to be better than they. I have talked with some of the boys as they develop over there, and it does seem to me that there is a marked and interesting development. I believe a great deal of it comes from the schooling they are getting at the Cushman School, especially the constructive side of it—I mean manual training, shop work, and the domestic-science work. The girls are developing, it seems to me, remarkably well; and that they are using the equipment of the school in a very efficient way and getting it “over” to the children.

Q. This commission visits Tacoma and this reservation in the regular course of its duty, visiting reservations and schools, and we did not come for the purpose of expressly investigating Mr. Johnson.—A. I have gathered that; and I heard the questions which you asked Col. Anderson; that gave me a better understanding, and I only answered what I did, due to the question of whether I had heard anything with regard to Mr. Johnson.

Congressman BURKE. You will appreciate that a commission of this character, in visiting different parts of the country, will naturally have information conveyed to them as they are about to approach a place that is upon their itinerary?

A. Very naturally.

Q. There were no charges against Mr. Johnson; it may have been some of the commission have some information that suggests these inquiries, but that is not what brought the commission here.—

A. Certainly if I knew anything against the man—knew or could find out anything against the man—I would volunteer the statement, because the main proposition is the use of public money for educational purposes.

I was just going to volunteer one statement. I did not quite finish the statement. My last visit to the school—they had some additional equipment in shopwork, in metal work, and I asked the teacher over there the effect upon the Indian boys of that kind of instruction, and he said they were very deeply interested, and that they were making a boat, and they were making an Indian in there to put in the boat, and they were deeply interested in these constructive things in education.

In a visit to our local high school the other day, I asked the principal of the school whether it was true that they had an arrangement with the Cushman School to use that equipment for one of their classes, and, in consideration of using that, furnished them a professor to teach the Indians gratis. He said yes; that the scheme worked out very well; that they sent from the high school one of their professors down there and instructed the Indian boys free, and in return took a class of 20 from the high school down to use the equipment in connection with the Indians; and hence the Indian boys and our high-school boys were working there together in identical classes, and the professor at the high school told us it worked out very well, and that the equipment was very good; the Indians were doing very good. I thought that might be of interest to you.

Q. Yes, it is; we would be very glad to hear any other statement you wish to make. Without these institutions, are there a great many

Indians, do you think, would go without education?—A. Yes; I think the younger ones would hardly get the kind of information they get there; I doubt the wisdom of letting them get scattered into the other schools of the country; I think it a wise provision to have that school there and keep those Indians separately. You can give them the peculiar kind of education they need; they need individual attention, as it were. I do not believe they are quite up to the standard, except especially bright ones, of the American white children of their own age, and I believe they need this special attention they get there.

As I understand it, children are brought from the other reservations to go to school here, and they get the advantage of that school. I believe, over and above the effect of the school on the children alone, that it has a very fine influence on the adult Indians. They are very proud of it, and very proud of their children acquiring an education, and it affects in that way the character of all the surrounding Indians.

(Witness excused.)

STATEMENT OF RALPH METCALFE, TACOMA, WASH.

Ralph Metcalfe, being first duly sworn by the chairman, testified as follows:

By Senator TOWNSEND:

Q. You are a State senator, are you, Mr. Metcalfe?—A. Yes, sir.

Q. And you live here at Tacoma?—A. Yes, sir; I have lived here 23 years.

Q. Are you familiar with the Indians hereabouts?—A. Why, not personally; I visit the school out there two or three times a year, just as Mr. Thompson does.

Q. What is the nature of that school?—A. Why, the thing that impresses itself upon the business men of this city particularly is the vocational training; we are very strong in this city and this State for vocational training. We believe in teaching the girls domestic science and teaching the boys some trade whereby they can earn their livelihood. This is the present-day system of education, and they do it out there.

Q. Have you watched the effect upon the pupils out there of that kind of education?—A. Why, not closely enough to tell you clearly. I think it is unquestionably having its effect. I don't go there often enough to tell you the gradation upward that they go through, but I think they do, without any question.

Q. Is there any racial prejudice here against the Indians?—A. No; there is not; our Indians are voters; they are citizens just like the rest of us; there is not any feeling of that kind.

Q. Is the Indian given an opportunity to work if he is qualified to do so?—A. Unquestionably.

Q. Do you have any mechanics or professional men among the Indians?—A. Why, I can not say as to that. We have business men among the Indians; we have men from that reservation who are business men, who are in business in this city and do business, and they are met on the same basis as any other business men.

Q. Do you know what proportion of those children out there live here near Tacoma and what come in from abroad?—A. No; I don't know anything about that.

Q. I suppose Mr. Johnson will know that probably?—A. As far as Mr. Johnson is concerned, I don't know him intimately; I have met him a number of times. It has seemed to me, and I think it has seemed to the business men of this city, the members of the Commercial Club and Chamber of Commerce, that Mr. Johnson has proven a very competent superintendent.

Q. Have you ever heard anything derogatory to him or his character?—A. No, sir; I never heard a thing in any way or shape until I heard an intimation here to-day that I never heard before.

Q. Do you think he is competent as a superintendent of that school?—A. I think he is, very.

Q. Do you say that because of any progress that has been made during his term?—A. Yes; I think there has been considerable progress there.

Q. Were you familiar with the school before he came?—A. Yes; I visited that school from the time I came here something over 23 years ago. I visited it very frequently—have taken an interest in it.

Q. What can you say as to the present condition?—A. Oh, I think there is no question about the gradation upward in the present condition. I think there is no question about it.

(Witness excused.)

STATEMENT OF F. CAMPBELL.

F. Campbell, being first duly sworn by the chairman, testified as follows:

Examination by the CHAIRMAN:

Q. What are your initials?—A. F. Campbell.

Q. How long have you been familiar with conditions in the Cushman Indian School and on the Quinaielt Reservation?—A. Why ever since I have been here—about 33 years.

Q. Have you been somewhat intimately associated with the Indians in this neighborhood?—A. Yes, sir.

Q. What business are you engaged in, Mr. Campbell?—A. Part of the time I have been an attorney, and part of the time a judge of the superior court.

Q. What is your opinion with reference to the health of the Indians now compared with what it was when you first observed them?—A. Well, I think that the Indians that are left upon the reservation are much healthier than those when I came here.

Q. You think the health among them is improving?—A. I think it is improving.

Q. What diseases mainly afflict them?—A. Well, they have a good many of them, of course, especially in earlier times with the earlier white people that came in here—that is, the older settlers. There was a class of men here at that time that we called squaw men, that used to go among the Indians on the reservations, and they used to mingle with them in the hop fields, and in that way they got some venereal diseases and that led to a condition of sore eyes, and such things as that; but in the past 12 or 15 years that is almost eradicated among them—the present-day Indians.

Q. The sore eyes, then, is not so bad as it was formerly?—A. Oh, no; it is not so noticeable at all.

Q. How about tuberculosis?—A. Well, that has improved. There was considerable of that here in the earlier stages.

Q. How are the Indians generally in the neighborhood of this city as to occupations? What do they engage in?—A. Well, some of them are studious farmers; others are engaged in carpenter work; some of them are blacksmiths; some of them are engaged in horticulture; and some of them are fishermen. They engage in almost all of the trades.

Q. What percentage would you say are engaged in agriculture?—A. That is, you are speaking of the Puyallups alone?.

Q. No; I am speaking generally of the Indians in this community?—A. The Indians generally in the States?

Q. No; I have reference particularly to the Quinaliet Reservation?—A. Well, I would say in reference to the Quinaliet Reservation there are fewer farmers there.

Q. Most of them are fishermen?—A. Yes; that land there is heavily timbered.

Q. Are you familiar with conditions in the Cushman School?—A. Yes; I have been quite familiar with the school ever since I have been here.

Q. What is your estimate of the progress that is being made there?—A. Well, during the earlier history of the school it went along about the same until Frank Cushman went to Congress; and he was quite deeply interested in the welfare of the Indians here, and was urged by a great many people who felt interested in them to see if they could not get a better school—better school building; better school facilities. The interior Indians liked to send their children to some better schools and have better school facilities than they had, and he took the matter up there, together with the citizens here, and advocated changing the school to an industrial school; and from the time he began to take an interest in the school the school began to improve very rapidly. Since it has become an industrial school its progress has been very rapid. They have built a number of very nice buildings out there, got them well equipped; and sanitary conditions are fine; and the grounds have been fixed up and cleaned up, and the streets have been paved in front of it, so there is a fine paved street from the city to the school; and the progress there has been pretty rapid since it has become an industrial school.

Q. Any other statement you want to make?—A. Well, nothing, unless it is in relation to Mr. Johnson.

By Senator TOWNSEND:

Q. One or two questions: Is the Indian a pretty good business man as a rule?—A. Well, I think they are; those that are able to speak English well enough to understand are pretty good business men. I have been associated with an Indian for 20 years in business—a full-blooded Indian—and I think his reputation is as good as any white man in the State.

Q. What business have you been engaged in?—A. Well, we have been engaged in the real-estate business; he handles the real-estate part of the business.

Q. Have you dealt with the Indians in real estate?—A. Well, no; I never have dealt with Indians to any extent in this State, but with white people.

Q. Well, has your partner, the man you are associated with—has he had dealing with the Indians?—A. He sold a good deal of land for them; he was here for five or six years with Mr. Snowden, who was the commissioner—Indian Commissioner; he was deputy commissioner here under him, and sold a great deal of their lands through the commission.

Q. Well, do you or your associates own any of this Indian land?—A. Yes; 35 acres down here on the flats—tide lands.

Q. Has the Indian, to your knowledge, to any considerable extent been imposed upon by the white man in dealing with him?—A. I think in some instances they have been, of course; but generally, no. I think they have received a fair price for their lands in almost every instance; sometimes, of course, as with white men, you get a man who will swindle an Indian as well as a white man.

Q. I think it was in 1903 the restrictions were removed from the Puyallup Indians, was it not?—A. Yes, sir.

Q. Did you notice there was at that time or immediately after or since any greater attempt to take his land from him by unfair means than existed theretofore?—A. No; I think prior to the time probably there was a greater attempt to buy up the Indian rights—what they considered to be their rights—at that time than there ever was afterwards. When the Indian had a right to sell, they sold like any other white man; before they were permitted to sell, they made a great many contracts here which were absolutely void.

Q. Were any of those contracts enforced or attempted to be enforced?—A. Yes; they were attempted to be enforced, but the courts held they were void.

Q. Do you know of any instances where they were carried out?—A. No; I think not; I don't believe there is any case in which any Indian ever carried out one of those contracts.

Q. What do you know about the management of this school out here?—A. The present management of it?

Q. Yes; you have testified about that; I will just ask you this question: What do you know personally about Mr. Johnson?—A. I have known Mr. Johnson possibly three years or maybe a little more than that, since he has been at this school; I don't know how long he has been here.

Q. Have you had any business relations with him?—A. No; not any business since; I have visited the school quite frequently.

Q. What can you say as to his ability as a superintendent of schools?—A. Well, from my personal observation of the school and its progress I think he is a man eminently fitted for the position.

By Representative BURKE:

Q. Can you give us any information as to the extent liquor has been obtained by the Indians in this locality or how the laws have been enforced with relation to the introduction of liquor into the Indian country?—A. Well, there was a while here that is was questionable to the minds of the citizens and of the courts as to whether or not the law was effective as against these Indians, on account of them

being citizens, but Congress, I think, passed an act that settled that, made it applicable to all Indians that were of Indian blood, and since that time the law has been enforced quite strictly.

Q. Are there some prosecutions?—A. Oh, yes; there has been quite a number of prosecutions.

Q. In what courts, mostly?—A. United States courts mostly, and some in the State courts.

Q. Have you observed, so you can express an opinion, as to where the best results are obtained, whether in the Federal courts or State courts, in prosecutions?—A. Well, I think the best results have been obtained in the United States courts; possibly because of the method of getting at the testimony in the case.

Q. Can you tell us anything in relation to the superintendent, as to whether he has been diligent in suppressing the introduction of liquor into the Quinaielt Reservation or upon the school property or in the prosecution of offense?—A. Yes; I think he has been very diligent in that respect. I think he is a man that looks after those matters very closely.

(Witness excused.)

STATEMENT OF CHARLES DRURY.

Charles Drury, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. What business are you engaged in, Mr. Drury?—A. I have been engaged in the tailoring business and investments, Senator.

Q. How long have you lived in Tacoma?—A. Twenty-five years.

Q. Do you know Mr. Johnson?—A. Yes; very well.

Q. How long have you been acquainted with him?—A. Oh, ever since he came here; I think it is around four or five years; I am not positive.

Q. Do you know the estimation in which he is held in this community by the people generally?—A. I have never heard any question about Mr. Johnson as a man or as a citizen at all.

Q. Have you observed the progress in Cushman School?—A. Somewhat; yes; I was for six years connected with the schools here, and took occasion at that time more particularly to observe it.

Q. Is the school going ahead or backward?—A. Very much so; yes; the school, since the organization of the trade school, it has got much better results than it has ever got before; up to that time the school was just an ordinary Indian school. Since that they have had money, of course, to build their buildings and furnish equipment, and there has been a very material advancement in the Indian.

Q. How long has this vocational training—manual training—been carried on in this school?—A. Well, I think the law was passed about four years ago, Senator, but I think it is about two years they have actually had it in operation.

Q. Do you know anything about the condition of the Indians on the Quinaielt Reservation?—A. No; I do not.

Q. You are not familiar with that?—A. No; I am not familiar with the Quinaielts.

By Representative BURKE:

Q. Did you express an opinion as to the administration of the school, as to the superintendent?—A. Well, I was expressing an opinion—if I may add, as to Mr. Johnson as superintendent of the reservations more particularly—I felt and did feel that possibly the school might be improved by having a more thorough schoolman in that, but I don't want to be understood as casting any reflections whatever upon Mr. Johnson. I think he has done the very best he could and the very best he knew.

Q. He is superintendent of the Quinaielt Reservation and of the school?—A. Yes; and I don't think the two work out.

Q. The character of the services is very diverse?—A. Yes, sir; very indeed.

Q. And in your opinion you think he is a better reservation man?—A. Well, I think he is ideal; the discipline in the reservation has been splendid. Speaking of protecting the Indians from liquor, I don't think you could have had a better man for that purpose; he has been on the alert all the time. Speaking of him personally, I think he is an excellent man in every way.

By Senator TOWNSEND:

Q. His conduct on the reservation has been satisfactory?—A. Very satisfactory, sir.

Q. The Indians on this reservation don't have very much agricultural land, do they?—A. Not very large tracts; but you understand this land is worked very intensely; a person with 10 or 15 acres raises a great deal of stuff, and it requires a great deal of labor.

Q. Most of their lands over there, of these 300 Indians, is timberland?—A. The Puyallup?

Q. No; the Quinaielt; he has nothing to do with the Puyallup, does he?—A. He is superintendent of the Puyallup School.

Q. Yes; of the school out here; but he is not superintendent of the Puyallup Reservation?—A. There is no reservation.

Q. Well, I have been talking about the Quinaielt Reservation, of which he is superintendent. Now, I say on that reservation there is not very much agricultural land, is there?—A. Well, there is none of cleared up; it is splendid land over there, but, of course, it is not cleared.

Q. Covered with forest?—A. Yes.

Q. And the Indians live principally by fishing?—A. Largely so; yes; fishing, hunting, and trapping.

By the CHAIRMAN:

Q. Do you know the allotting agent on the Quinaielt Reservation?—A. No; I don't.

Q. You don't know anything about the allotments there and the condition?—A. No; I am not familiar with that end of it.

(Witness excused.)

STATEMENT OF JOHN S. MASON, TACOMA, WASH.

JOHN S. MASON, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. What is your name?—A. John S. Mason.

Q. How long have you lived in Tacoma?—A. Twenty-five years.

Q. What business are you in?—A. Western Union Telegraph employ; I have been in the railroad business for a long time, but for the past 17 years I have been connected with the Western Union.

Q. Are you acquainted with Supt. Johnson and familiar with the conditions—somewhat familiar with conditions at the Cushman School?—A. Well, only so far as to visit would qualify me to answer.

Q. What impressions do you gain concerning the conduct of the school and Mr. Johnson's ability and integrity as a superintendent?—

A. Well, I was very favorably impressed; I was over there twice, and the last time I was there was at their commencement exercises, and there were papers read and we were taken all over the shops and the different vocational plants, and Mr. Johnson was personally along and took great interest in explaining everything to us. There was quite a party of us, and we were very much pleased with what we saw and what the students had accomplished.

Q. Did you visit the school under the administration of other superintendents?—A. No, sir; I never did.

Q. So you have no means within your own personal knowledge of making comparisons as to what the school is doing now and what it formerly did?—A. No, sir.

Q. Do the people here generally regard conditions in the school as satisfactory and gratifying?—A. As far as I ever heard they do. I never have heard an adverse criticism of the conduct of the school or what it has accomplished.

Q. Do you know anything about the conditions of the Quinaliet Reservation?—A. No, sir; I am not familiar with that.

(Witness excused.)

STATEMENT OF W. F. GEIGER, TACOMA, WASH.

W. F. Geiger, being first duly sworn by the chairman, testified as follows:

Examination by the CHAIRMAN:

Q. You are the superintendent of city schools at Tacoma?—A. Yes, sir.

Q. How long have you served in that capacity?—A. About a year and a half.

Q. How many schools have you under your jurisdiction?—A. Thirty.

Q. What is the total number of pupils in the schools that you are superintendent of?—A. About 11,000.

Q. Do you know the superintendent of the Cushman School?—A. Yes, sir.

Q. Somewhat familiar with conditions at that school and the character of work being done?—A. I am somewhat familiar with the industrial side of the work.

Q. But not with the academic?—A. No; not of the academic.

Q. You never gave any particular attention to that?—A. No, sir.

Q. Do you know anything about the discipline in the school and how it is regarded here among the public generally?—A. Why, my impression is that it is considered very good.

Q. Have you heard any complaints about it?—A. None whatever.

Q. Criticisms?—A. None whatever.

Q. What was your impression concerning the vocational features of the school?—A. I thought it was unusually good; the features were unusually good.

Q. Have you anything of that sort in your city schools?—A. Yes, sir.

Q. Have you had occasion in other localities to study the work in those schools?—A. Not in Indian schools.

Q. I mean in vocational schools.—A. Yes, sir.

Q. Among the whites?—A. Yes, sir.

Q. How does the work being done at the Cushman School compare in your judgment with work done in other schools having white pupils?—A. I have been surprised at the excellence of it.

Q. Well, can you tell wherein this excellence consists in some particulars? Give us some specific information about it.—A. My first interest in the work in that school came by reason of the fact that in our stadium high school we haven't a machine shop: we are building a new high school and in order to look up matters of equipment I visited the Indian school, went to the machine shop, saw the work being done there, saw the equipment, and was surprised to find how well the equipment and the instruction compared with what I had seen in other schools for white children. I also visited the woodworking shop and the work that was being made by those Indian boys I thought was astonishingly well done, considering the fact that they were Indians instead of white boys; I thought the work compared very favorably with what the white boys do in our own manual training shops. I visited the laundry, the work done by the girls, because I was interested in seeing the equipment and seeing the way that work was conducted in view of what our intentions were with respect to our new high school. As far as I could observe, it was all being handled very skillfully. I might say also that some of the Indian school boys and girls have come on into the high school and acquitted themselves creditably there, after completing the work at the Indian school.

Q. How do those Indian pupils which come from the Cushman School to the high school compare with the white pupils in the schools?—A. None of them have ranked very high in their scholarship, but they have all done faithful, earnest work and I should say maintained a fair standing in their grades.

Q. Do they give evidence of proper training and efficient instruction?—A. They do. We have been very favorably impressed with their conduct and the apparent discipline they have had.

Q. What is the estimation in which Mr. Johnson is held as a superintendent and as a man in the public mind and in your own?—A. I have never heard any question raised in regard to him; I assumed he must be estimated very highly here; I haven't been in Tacoma but two years and I had a very favorable impression of him.

Q. I presume your experience is that of practically all other school teachers: all who are engaged in the school work have some difficulties sometimes to overcome which subject them to some criticism?—A. There are very few of us escape that.

By Representative BURKE:

Q. Has there been any cooperation between you and the Indian school by which you have availed yourself of any part of the equipment and furnished the school a professor?—A. Yes, sir; as I said before, we do not have a machine shop in our manual training department in the high school, and when the boys have reached that place until last year we were not able to have them continue with the machine-shop work, but after a conference with Mr. Johnson we agreed to furnish a teacher to the Indian school who would teach both the Indian pupils and the high-school pupils in return for the privilege of sending this class in machine-shop work to the Indian school; our instructor has taught a good many more Indian pupils than we have sent pupils to the school.

Q. To what extent have you Indian pupils in your city schools?—A. Well, I could not say off hand; we have them in the high school; I don't believe there are any in the grade schools; they come to the high school because the Indian school, I suppose, does not maintain a high-school department.

Senator TOWNSEND. Do the Indian students that come from the Cushman School into your high school show that they have had proper academic as well as industrial training?—A. Yes, sir; they do; they have succeeded in carrying the work.

(Witness excused.)

STATEMENT OF ALBERT A. JOAB, TACOMA, WASH.

Albert A. Joab, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. What is your name?—A. Albert A. Joab.

Q. What is your business or profession?—A. I am a lawyer.

Q. How long have you lived in Tacoma?—A. Twenty-five years the 24th of last March.

Q. Have you had occasion to observe the progress that is being made among the Indians who reside in this locality, this part of the State?—A. Why, I have had all the opportunities a person could ask, but I presume I have been like most of the people here, remiss in my duty.

Q. You have given no special study to the subject, I suppose?—A. No; I never have been over there except to visit the school and institution over there, except on two occasions—once about 20 years ago when I heard one of the most eloquent addresses from Tom Millane, an Indian, which I could not understand; but still I could understand it was eloquence—

Q. We have had some examples of that recently.—A. (Continuing.) Then I was over there at the request of Mr. Mason last summer at the time of the commencement exercises and witnessed the work done by the pupils. I never met Mr. Johnson at any time except on that occasion, as superintendent, except to-day he came in, and I did not place him at first where he was, but I was over there on that occasion and saw the work that was done, and I was utterly amazed.

Q Tell us what you mean by that?—A. I was very much surprised at the apparent efficiency of the work at the school, and among other things that I saw was an orchestra in the evening, I was told, of about 60 pieces, and I was told that many of these instruments were made by the pupils themselves, and the music, while not of the highest order, was very, very fine; I was surprised to see children there in the school taught music as well as if taught in any school I have ever seen—public schools—and with as good results; and then to have the children make their own instruments and then play upon them was something I had not seen in any public school in the country among the white children, and I was utterly amazed. I told Mr. Mason at the time that I thought they would surpass our own schools.

Q. Do you know where the pupils who attend the Cushman School come from mainly?—A. I do not.

Q. You are not, of course, familiar with those things, I suppose?—A. No, sir.

Q. Are you familiar with conditions among the Indians generally on the Quinaielt Reservation?—A. No, sir.

Q. That is some distance from here; I don't suppose you would be. What is the estimation in which Mr. Johnson is held as superintendent and as a man in this locality?—A. Well, I never met him until that occasion and to-day, and I am frank to say—sorry to say I did not remember him to-day when he came in here, and I have made no inquiries about his standing, and I know nothign about it.

Q. You heard nothing derogatory of him?—A. No; not until yesterday I heard some one say—

Q. Well, you could not say what you heard, of course.—A. No, sir; I never have.

(Witness excused.)

STATEMENT OF ROBERT W. JONES, TACOMA, WASH.

Robert W. Jones, being first duly sworn by the chairman, testified as follows:

By Senator TOWNSEND:

Q. Mr. Jones, what is your full name?—A. Robert W. Jones.

Q. You live here in Tacoma?—A. Yes, sir.

Q. What is your business?—A. Real estate and insurance.

Q. How long have you lived here?—A. Twenty-three years.

Q. Have you been familiar with the Indians or acquainted with them during that time?—A. Not particularly; no.

Q. Had business with them?—A. No.

Q. You haven't had business in Indian land?—A. No, sir.

Q. Are you acquainted with the conditions at the Government school here, the Cushman School?—A. Why, only in a general way; not particularly.

Q. Ever visit it?—A. Yes.

Q. How many times?—A. Oh, I visited the grounds a half dozen times.

Q. Visited the school itself?—A. No; not while it was in session.

Q. Do you know anything about the operation of the school?—A. No; I don't; I could not say as to the operation of the school; I have been through the building, been taken through the buildings.

Q. And shown around in that way, through the grounds? Are you acquainted with Mr. Johnson, the superintendent?—A. Just a casual acquaintance.

Q. Well, do you know anything about the school or the conduct of the school that would enable you to testify before the committee as to what it is?—A. I don't think I do, Senator.

Q. Do you know anything about the conduct of the Indians on this reservation, their management?—A. No; I could not say that I do nay more than just from the newspaper; that is all; not anything of my own knowledge; just hearsay; that would be all I would know anything about.

Q. Well, have you any knowledge either about Mr. Johnson or his conduct or management of the school or reservation or about the management of Indian affairs generally here?—A. No; I could not give you any information that would be of value; I don't know anything of my own knowledge, except that in a general way the school is conducted by Mr. Johnson and there has been an improvement over the former superintendent.

Q. That is the reputation among the people?—A. Yes; that is the general reputation.

Q. That the condition of the school is better now than it was before he took charge of it?—A. Yes.

(Witness excused.)

STATEMENT OF JOHN A. REA, OF TACOMA, WASH.

John A. Rea, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. You live in Tacoma, do you?—A. Yes, sir.

Q. What is your business?—A. I am retired; I have been a timebr man; I am one of the regents of the University of Washington; I have had occasion to visit the Cushman School occasionally.

Q. During what period?

A. I was out there this year.

Q. Did you observe the work that is being done there, instructions being given?—A. I went through the shop with one of the instructors, saw the rooms, saw the work, and I was certainly very much impressed with the character of the work the boys were doing.

Q. Did it appear to be efficient?—A. Yes, sir.

Q. That was what impressed you?—A. Yes, sir; very much so. The equipment impressed me and the work impressed me, particularly when I saw a table made there that was probably as good as that one [indicating], so far as I could see, made by a 16-year-old Indian boy.

Q. Did you see other samples of the work done by the pupils?—A. Yes, sir; of course I am only a layman, but they were excellent work from the standpoint of a layman.

Q. Do you know anything about the academic work done in the school?—A. I could not say; I visited in the dining room; I visited in the kitchen; I saw the discipline.

Q. What was the discipline?—A. The discipline is certainly excellent; I could not think of better discipline. Certainly there is not as good discipline among the white boys or white children as we find there.

Q. How does the discipline compare with the schools among white students, for instance, of the same rank as Cushman School?—A. I would say better; that has been my experience. I have seen the boys on the reservations, seen them in school, and I have always noticed that the Indian boy was a well-behaved boy.

Q. Are you personally acquainted with Superintendent Johnson?—A. Yes, sir; not at all in the sense of an intimate acquaintance, however.

Q. Do you know the estimation in which he is held in the community as an educator, as a superintendent?—A. I formed my own impression of him from the practical work going on out there, that he was a good man.

Q. You never heard anything derogatory to his services?—A. No, sir. I have said there was better education out there—I have said it in public speeches—than we had in our own high school, so far as turning out boys who could make a living when they left school or learn something while they were in school. I am an advocate of vocational education.

Q. Do you know anything about the general conditions among the Indians on the Quinaielt Reservation?—A. No, sir; I am familiar with that reservation, but I could not go into it in detail.

Q. Well, I will not ask you about it. Very much obliged to you.
(Witness excused.)

STATEMENT OF ERNEST E. LISTER, GOVERNOR OF WASHINGTON.

Ernest E. Lister, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. You are the governor of the State of Washington?—A. Yes, sir.

Q. How long have you served as governor?—A. My term began on January 15 of this year.

Q. Where did you reside before becoming governor?—A. In the city of Tacoma.

Q. How long?—A. Twenty-nine years.

Q. Did you know Mr. Johnson and were you familiar with the Cushman School? I mean Mr. Johnson, the superintendent.—A. I knew Mr. Johnson; yes.

Q. Were you in the habit of visiting the Cushman School?—A. Some years ago I erected two of the buildings there, and since that time have taken more or less interest in the school as a result of having been there almost every day during the five months in which I was constructing the buildings.

Q. Governor, we would be glad to have you state your observation and your conclusions as to the progress that has been made in the school and the effect of the services rendered by Mr. Johnson?—

A. Mr. Johnson was not superintendent when I constructed the buildings there; it was before he took charge; when he came here, he knew that I had taken some interest in the school and constructed these buildings, and I became acquainted with him very shortly after his arrival. On a number of occasions I talked with him regarding the school, its needs, the type of school we ought to have conducted there; and I also visited the school. You want my impression of Mr. Johnson?

Q. Yes, sir.—A. My impression of Mr. Johnson, formed from the conversations I have had with him and what I have seen of his work, have been very favorable to him. He always impressed me as a man who was very much interested in the work he had in charge.

Q. What is your opinion as to whether the school has advanced since you first had occasion to observe the work done there?—A. There has been a marked improvement since the days when I first became acquainted with the school and its work.

Q. Have you ever heard criticism of the services of Mr. Johnson in connection with the school?—A. No.

Q. Is there anything else you would like to state in this connection?—A. I don't think of anything else, Senator.

Q. Have you any general acquaintance with the condition of the Indians on the Quinaielt Reservation, Governor?—A. No; I have never given much consideration to that—never had an opportunity to, in fact.

Examination by Representative CARTER:

Q. You think Mr. Johnson is capable for the position he occupies, Governor?—A. Based on the knowledge and information I have, I would say that I believe him to be capable. Of course, to pass judgment absolutely upon a matter of that kind, I would probably feel inclined to want to make a more careful investigation.

Q. I mean from the observation you have had?—A. From my observation, I would consider him a capable man.

Q. And you think he is faithful to his duties?—A. I always felt he was quite so.

By the CHAIRMAN:

Q. Do you know anything about his personal habits?—A. To no greater degree than one would who met a man frequently and saw him quite often. My impression would be that Mr. Johnson was a man of good personal habits.

(Witness excused.)

STATEMENT OF GEORGE SCOFIELD, TACOMA, WASH.

George Scofield, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. What are your initials?—A. George Scofield.

Q. How long have you resided in Tacoma?—A. Ten years.

Q. What is your business?—A. Well, I have been a dealer in building materials, having been in the contracting business in years gone by.

Q. Hold any official position?—A. They elected me president of the commercial club last winter.

Q. That is a local organization in your city?—A. Yes, sir; the only business organization—the chamber of commerce and commercial club combined.

Q. Are you acquainted with Mr. Johnson, the superintendent of the Cushman School?—A. Yes, sir; I am.

Q. How long have you known him?—A. Well, since shortly after he first took charge; I don't remember the date that was, but shortly after he took charge I got acquainted with him.

Q. Have you taken any interest in the Cushman School since you have lived in Tacoma?—A. Well, I have been interested, but not in a way that would cause me to give it any particular thought.

Q. What is the estimation in which Mr. Johnson is held in this community?—A. Well, sir, it is the highest, in my judgment.

Q. Have you ever heard his habits criticized?—A. I never heard a word against him, and I know Mr. Johnson, perhaps, as intimately as any man in Tacoma.

Q. You never heard of him drinking to excess?—A. I don't know that he ever drank a drop; I have been around where he has been at different occasions, different kinds of meetings, and I never saw him take a drink.

Q. What is your opinion as to whether Cushman School is advancing and succeeding under his management?—A. Well, sir, I might say from the superficial observation I have had of it, in my judgment, it is more than a hundred per cent better.

Q. It is your opinion then that the community generally regards the school as a success?—A. Yes, sir. I would like voluntarily to say this, if you would allow me to.

Q. You may make any statement you want to.—A. Mr. Johnson has discussed with me at various times matters pertaining to the school; he has invited me frequently to come over there and see the work, particularly in the machine shop; he has brought a number of times articles they had made over there that required skill and workmanship; some of the the finest work turned out of the machine shop I have ever seen has come from that Indian school. As I say, he has discussed the school with me a number of times and has discussed his relations with the other Indians, the Quinaielt Indians, and my impressions of Mr. Johnson have been that he had the welfare of that school very dear to his heart, very close to himself, and that his whole soul and body was wrapped up in the success of this Cushman School. Gentlemen, that is my honest observation of Mr. Johnson, as I have met him and frequently, especially since I have gone into this club, we have advised with him in regard to appropriations and things of that sort.

I was over there at one time with Senator Pyles; we went through the institution there, and I must say when I thought I saw criticism here in the papers of Mr. Johnson I was astounded; I thought it was a rank injustice; I don't know anything definite whatever except as I have met the gentleman from time to time.

(Witness excused.)

(An adjournment was taken until Monday, October 6, 1913, 10.30 a. m.)

MONDAY, OCTOBER 6, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

Tacoma Hotel, Tacoma, Wash.

The commission met at 10.30 o'clock a. m., pursuant to the call of the chairman.

The following members were present: Senator Jee T. Robinson (chairman), Senator Charles E. Townsend, and Representatives Charles D. Carter and Charles H. Burke.

STATEMENT OF H. H. JOHNSON, SUPERINTENDENT CUSHMAN SCHOOL, TACOMA, WASH.

H. H. Johnson, first being duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. You are the superintendent of the Cushman School?—A. Yes, sir.

Q. What other official position do you hold in conjunction with that?—A. Well, I am superintendent of the Cushman Agency.

Q. How long have you been acting in those capacities, Mr. Johnson?—A. Almost five and a half years.

Q. Were you connected with the Indian Service prior to coming to Tacoma?—A. Yes, sir.

Q. What services had you rendered in that regard?—A. Well, immediately prior to coming to Tacoma I was superintendent of the Jicarilla-Apache Agency.

Q. That is in New Mexico?—A. Yes, sir; I was there for exactly five and a half years; prior to that I was subagent; they called me superintendent, but I was under an Indian agent, having charge of the Otoe Agency in Oklahoma.

Q. How many pupils are there now or were there last year in the Cushman School?—A. Our highest attendance any one time was 370.

Q. What was the number in the school when you came here?—A. About 135.

Q. Do you know what the enrollment in the school was the year previous to the beginning of your administration?—A. I can not tell you now; I never have had occasion to look it up; it could be looked up from the records, but it was approximately what I found it.

Q. How many teachers have you employed there?—A. Now, do you mean academic or the entire force?

Q. Altogether, in the entire force.—A. Thirty-five or thirty-six.

Q. What number of them, or proportion of them, is engaged in the academic work and what in the vocational training?—A. There are six in the academic work; then in the strictly vocational work six more; then incidentally, a matron, and the cook and the laundress are vocational people.

Q. When was the vocational feature of the institution established, Mr. Johnson?—A. You mean on its present basis?

Q. Well, when was this class of work begun in the school?—A. A year ago last January.

Q. What does this vocational training consist of?—A. We devote our greatest energies to teaching woodwork and the ironworking trades in their various branches.

Q. How many pupils, taking the woodworking trade, were there last year?—A. I think about 20.

Q. How many took the ironwork?—A. Fifty or sixty in the various branches.

Q. What proportion of the pupils in your school would you say are full-blood Indians?—A. Fifty per cent; that is just an approximation.

Q. Where do your pupils come from, principally?—A. Washington, Oregon, and Idaho, and Alaska now.

Q. How many pupils from Alaska are there in the school?—A. There were about 60 last year.

Q. What is the relative number of pupils from the State of Washington and from the State of Oregon? How do they compare?—A. Oh, we have very few from Oregon; perhaps half a dozen; the bulk of our pupils are from the State of Washington.

Q. What tribes of Indians do they consist of principally—principally represent?—A. Well, beginning up on the Straits, there is the Miquas, sometimes called the Neah Bays, and the Quinieutes, the Quinaielts, the Cowlitz, Chehalis, Nisqually, Skokomish, a branch of the Quinaielts, commonly called the Georgetown Indians—Indians whose rights to allotments have been conceded on the Quinaielt Reservation but who do not live there; the Puyallups live there right adjacent.

Q. Yakimas?—A. Yes; the Yakimas, the Colvilles, and the Spokanes.

Q. Now, state briefly the work that is done or the training that is given in this school outside of the regular academic course.—A. Well, to begin with, I want to explain that we differ from the ordinary manual training school; the manual training idea is to teach the eye and the brain and the hand to work in conjunction, and the work they do is simply the vehicle.

Manual training is all right and has a place, but a great many years ago, in fact, from the time I entered the service, I saw that there was a field for strictly trade work. I felt this: That is was not the thing with this generation of Indians to try to give them high academic attainment; that if we could train them so as to make them self-respecting, self-supporting citizens we had accomplished all we could in this generation, and with that end in view, whenever there was an opportunity I put the matter up to the department of a strictly trade school.

By that I mean instead of a boy having a year in the carpenter shop, a year in the machine shop, and so on around, he would come to us mature enough to know what trade or to be able to determine what trade he wanted to follow, and we would give him time enough to thoroughly decide in his own mind, and then when he reached a decision we would hold him to that trade until we had mastered it. I know in my own experience, and I expect it has been the experience of most of you, that when we are getting our training there are times when we are discouraged and want to chuck the whole thing. That same thing is true with the Indian boy, but with us, instead of allowing them to change the trade, as frequently is done, we hold him to it, unless we determine that for reasons of health or for other reasons the boy has made an unwise choice of a trade. Then we let him make a change.

Our idea is to hold the boy and give him a trade in a way that he can go out and support himself and his family. To give him a trade so that he will have confidence—self-confidence to compete with the white man. That is where the Indian is so frequently handicapped; he is afraid to pit himself against his white brother in any particular line of endeavor.

Q. You have just recently commenced this kind of work, and I suppose you have had no opportunity of comparison between repre-

sentatives of the two races so as to see how they actually get along in life?—A. Only in a limited way. Now, some of our boys—I can point to two or three—after they have been with us a year will go out in the loggings camps; take one boy in particular, he went into a logging camp after he had been with us a little less than a year and got a job which he kept throughout the vacation at \$3.50 a day operating a donkey engine, and that is one instance. Our boys frequently—we hear of them working out during the vacation time, even though they have not completed their trade; they have taken a step in advance of the ordinary unskilled laborer.

Q. Go ahead and tell us all the trades that are taught there and your idea of the efficiency that is obtained in the trade before the pupil leaves the school.—A. Very well, sir. In the woodworking department we teach woodworking, carpentering—we conceive that the Indian will need that, the woodworking department, more than anything else.

Q. How far do you carry them in that? Do you intend to give them sufficient information and training to enable them to draw plans of buildings and construct the buildings themselves from the ground up?—A. Yes; they will be able to draw some plans; of course, we can not take them into architecture and designing to any extent, but we give them, by an arrangement with the city high school—we give the city high-school work in the machine shop and in return they give us a teacher in drawing that gives the boys of the woodworking department architectural drawing and the boys in the ironworking department machine drawing. While we can only give them a little more than the rudiments of drawing, they will be able to draw some plans.

Q. What else do you teach there in the woodworking department?—A. Then we teach cabinetmaking, including furniture building and pattern making. Pattern making itself is a trade, and a good trade in this vicinity. Then our Puget Sound Indians, as you probably understand, are water men, and we are teaching them something in the boat-building line.

Q. In addition to the woodworking department, you have machinery taught there, have you?—A. That is a part of the course.

Q. I want you to go ahead and describe that vocational work you are teaching there, in detail.—A. The operation of the machinery is a part of the instruction, because some of our boys will probably be factory men; they need to know the operation of the shop machinery; we have an arrangement with one of the woodworking concerns here to take our boys for the last two or three months of their woodworking course and put them in his own factory right along with the journeymen and mechanics, to give them an idea—get them to working along with white men. When we get through with a boy in our woodworking department, we expect that he will be as fully equipped as a first-class white mechanic.

Q. All right; go ahead now and tell what you teach in the machine shop?—A. In the ironworking department we have our machine shop there; we take the boy and teach him the operation of the machinery, the different uses of the different metals. We take him from one machine to another, make him an all-around machine-shop man; that is essentially a factory proposition, and the boys that take the

machine-shop trade will expect pretty largely to be factory men. Along with that they take up engineering, and that is what we are encouraging a great many of them to do, because there is a large field here in the Northwest for an all-around man, in these innumerable mill camps. A man that can run the power plant, can do the blacksmithing incident to the camp, and can operate a lathe and make the repairs to the plant.

Q. You say last year you had about 40 pupils in the machine shop?—A. About 60; that is, in the ironworking trades.

Q. Can you state a little more definitely what proficiency some of them have manifested? You exhibited to the commission this morning some of the work you were doing. Can't you state that so as to get it in the record?—A. Well, among other things, we built from the ground up a 10-horsepower marine gasoline engine, doing everything except making the castings.

Q. Did you make the models?—A. No; for this machine we bought the castings from set patterners. This year we are planning to build a larger engine, and this year we will make our own patterns and make our own castings. Our foundry is now just about equipped and ready for operation. We have constructed some machines for our own use, wherein we have made the patterns.

Q. Well, tell what some of those machines are?—A. Well, one of those is a machine for grinding planer knives; a planer knife needs to be held in a rigid position and this machine clamps the knife and holds it against the stone and travels at a regulated rate of speed across the stone. And there is the engine I speak of—we overhauled and practically rebuilt a 40-horsepower automobile engine. We have built some planer chucks, swivel chucks graduated so you can turn them at any angle, built them back around the planer for our own use. In addition to that we kept up the ironworking machinery repair work in our plant.

Q. In addition to the woodwork and the ironwork that you teach there, what else outside of the regular academic course do you teach?—A. Well, our engineering course we consider one of our most important. There we take a boy and teach him, to begin with, the proper firing of boilers with both coal and oil. Oil is used pretty generally in the commercial plants of the Northwest, and for that reason he needs to know oil firing. We have a smaller boiler in our laundry plant where we give the boy firing with coal. Then he gets the work on running the engine, the care of the engine, the care of the dynamo, and the repair work and the upkeep of a heating system, sewerage system, and water system.

As I said before, the handling of the different fuel, the knowledge of electric wiring—those two new buildings you saw this morning that were put up, the boys did all of the electrical wiring and plumbing in those buildings, and when they get a little further along, when it is ready, they will do the setam fitting.

Q. Do you teach domestic science and housekeeping there?—A. We teach some things that we speak of as domestic science, but it is not domestic science. Our pupils only reach—their highest academic attainment is the eighth grade and they are not sufficiently grounded for real technical domestic science. Our aim is to make home makers of our Indian girls.

Q. What do you teach there, and how do you do it, in order to accomplish that end?—A. Our domestic science building was designed after plans suggested—an idea suggested by myself. We take 18 girls into the building; they have individual rooms. By that I mean two girls may occupy a room together, but it is not a dormitory. The work, week in and week out, is the routine of a well-regulated household. For instance, Monday will be wash day in the laundry, which is equipped with a common cookstove and hand washing machine and an old-fashioned flat iron, which is what the Indian girl will have in the ordinary home. They wash their own clothes and iron them; they get their own meals and care for the house, and they do it day by day just as an ordinary well-regulated household would do, week in and week out—the same thing over and over again. The idea being to get the girl thoroughly grounded in the process of keeping a well-regulated home so thoroughly fixed that it will stay with her.

Q. Are all the boys in the school required to take some trade?—A. All that are old enough and strong enough. Now, that school plant was built with funds derived from the sale of the old school farm which was Puyallup lands, and for that reason we must take any Puyallup child that is of school age, and for that reason we have some that are—quite a few that are not quite old enough and strong enough to take up the trades, but when they get old enough and have the physical strength and understanding to take up trade work they must take up some trade.

Q. Are the female pupils required to study housekeeping, or is that optional with them?—A. Oh, that is required; in the two last years, of course they get some of it in the lower grades, but the two last years of their course they are given the definite work.

Q. What proportion of the time is devoted to academic work and what to vocational training by the pupils in that school?—A. It is approximately equally divided. However, the shops run an hour longer each half day than the schoolroom keeps. Our shops run from 8 to 11.30 and 1 to 4.30, whereas the schools are from 9 to 11.30 and 1 to 3.30.

Q. What supervision have you for the female pupils in the school? How are they supervised?—A. The female pupils first of all are under the head matron.

Q. Who is she?—A. Miss Lambert. You met her in the girls' home—a large woman; she has the general direction of the girls and also of the domestic departments, outside of the domestic-science building; I mean the institutional domestic department. Then, the girls are detailed to the various instructors, like the seamstress and the laundress and the cooks, and there they get some instruction. While they are detailed the instructor is responsible for them and she turns them back to the matron at the close of their detail each day.

Q. How about the discipline among them? Have you had any serious difficulty regarding that?—A. No; as a general proposition the Indian boy and girl are much easier disciplined than white boys and girls.

Q. What is the system of supervising the boys in the school?—A. We have a discipline—to begin with the assistant superintendent, one of his duties is the general supervision of the boys. Then, we

have the disciplinarian, who has the direct supervision of their going and coming, their clothing, the hours they keep, and their general bodily welfare. When they are on shop detail they are under the instructor and the instructor is responsible, and when the shop detail closes they are again responsible to the disciplinarian. Now, in addition, I will say that we have succeeded in working up a cadet organization that has been a very great benefit to us in a disciplinary way. In fact, our discipline is in a considerable measure, you might say, self-administering. That is, our officers—the cadet officers assume the responsibility of directing and supervising the pupils under them, and we conceive that to be a very good point along the line of character building, because these boys that are taking the trades, we hope some of them may rise up to the positions of foreman and superintendent, and the training that we give them as cadet officers is a schooling that is certainly of some value in the handling of men.

Q. What are the general habits and moral conduct of the pupils, both male and female?—A. Well, we feel that our boys and girls are a pretty good lot. Of course they are boys and girls, or children, and they are children of a primitive race. Sometimes they come from homes whose standpoints are not what ours are, but, generally speaking, I would say their moral standard is high for the opportunities they have had.

Q. Practically all of them are residents of other cities than Tacoma, aren't they?—A. Oh, yes; possibly we have a half dozen whose homes are in the city of Tacoma. Perhaps more than that, because some of the Puyallups live right here in the city.

Q. So, whatever restrains are thrown around the pupils or exerted over them must come from the school itself?—A. Yes, sir.

Q. Now, what I want to know is what your system of restraints is and how it operates?—A. To begin, the female pupils never leave the grounds without being accompanied by an employee; that is an ironclad rule.

Q. Is that employee a male or female employee?—A. It might be one or the other. Our boys we can give more liberty. Our boys leave the grounds only on a pass. We have a pass system. The boys go and ask for permission to go down town, we will say. If it is during the week he must have some good and sufficient reason for going, but Saturday afternoon is considered in all Indian schools a half holiday. Any boy whose conduct during the week has been satisfactory can get liberty to go Saturday afternoon and go where he pleases. This pass states that he leaves the school at a certain time and has to return at a certain time and is signed by the disciplinarian. When he returns he must convey it to the disciplinarian and surrender it to show that he has returned.

Now, let me explain a little further. When I came here we were having a great deal of trouble with boys running down town, and they were drinking more or less. The police department very readily agreed to cooperate with me on these passes. The police here have instructions if they see one of our boys down town—they can tell them, because they are in blue uniform or tan corduroy—if they have any suspicion that the boy is away without leave, they demand his pass, and if he can not show it he is taken into custody, and we are notified to go after him. So we have practically no trouble about the boys going down town without permission, and

we know where they are at any and all times through this pass system.

Q. Who stays in the girls' dormitory? Anyone other than Miss Lambert?—A. The assistant matron.

Q. What is her name?—A. Her name is Ward; she is a new employee; just arrived.

Q. How about the girls? They are not permitted, you say, to leave the grounds without being attended by some employee of the school?—A. Yes.

Q. Have you had many complaints registered of misconduct among your pupils, say, during the last year?—A. When they are off the grounds?

Q. Yes; or on the grounds, either; gross misconduct?—A. No; we have had two or three cases, as you are bound to have in any institution, of gross misconduct; but I have understood from the people here in town that it is a matter of general remark as to the good behavior of our pupils when they are off the grounds.

Q. Is there a school or college spirit among the pupils at Christmas?—A. Decidedly, now.

Q. How does it manifest itself?—A. Well, just as an illustration, when our pupils go home for the summer there are many of them bring back others, representing that it is a good institution to go to.

Q. Have they an organization among the former students of the school?—A. Yes.

Q. Do they have meetings?—A. We have a reunion every year during the commencement week. This last commencement, at my suggestion they organized a students' association among themselves. Now, as to whether they have had meetings since that or not I don't know.

Q. What were the health conditions of the school last year?—A. Very good.

Q. Have any deaths?—A. Not one; which is very remarkable.

Q. What were the principal diseases that afflicted the pupils?—A. Well, we had an epidemic of chicken pox and a little incipient epidemic of measles; we had some cases of pneumonia, but we pulled them all through successfully.

Q. Have you a hospital there for the treatment of the pupils?—A. Yes.

Q. Do you know the total number of pupils registered in that hospital last year?—A. No, sir; that is a matter we could look up.

Q. I suppose the physician would know more about that?—A. Yes; but I could get it from my office records. They submit a report to the office every morning showing what pupils are in the hospital, when they came in, what the diagnosis of the case is, and their condition on the day that the report is turned in.

Q. What is the total number of employees at Cushman School?—A. Thirty-five or thirty-six.

Q. Well, have you no employees who are not teachers?—A. Well, we have our office force, our clerical force.

Q. How many clerks have you?—A. I have five.

Q. Have you any laborers?—A. Yes.

Q. How many of them?—A. I have three.

Q. What work do they do?—A. One of them does the disciplinary work; that is the position he is carried in; and another one—

Q. Well, he is really a teacher?—A. He is really a teacher.

Q. I am talking about ordinary laborers—the people who do ordinary work?—A. We have none.

Q. You have none?—A. No.

Q. By whom is that work done?—A. By the pupils.

Q. What was the total expense of the school last year?—A. About \$70,000.

Q. What was the average cost per pupil?—A. That would be approximately \$200. Our average attendance for the year, as I recall it, was 350 and a fraction.

Q. What was the dining-room expense, or the expense necessary to supply food to the pupils?—A. We figured that at about \$8 per month per capita.

Q. Well, I know you figured it that way; can't you tell what it cost?—A. Take our ration table and we know the cost of each article and the amount that is allowed each pupil, and add to that——

Q. (Interrupting.) Well, do you issue rations to them?—A. Well, you see, it is not an issue of rations to the table, but we are regulated by a ration table as to how much we can use per day per pupil.

Q. Now, what food is served there and how is it served, generally speaking?—A. It is prepared by a cook and assistant cook, with the help of the pupils. A meal is put on the table all at once, as near as possible.

Q. They are all served at one time?—A. Yes.

Q. Now, you say it is prepared with the help of the pupils. Of course, they don't all help?—A. No; they are detailed month by month. One detail will be in the kitchen one month or two months.

Q. Is it your idea in doing that to not only get the work done, but also to give the instruction in the work?—A. Yes.

Q. So they may be better prepared for it?—A. Yes.

Q. What percentage of the pupils in the school last year could cook?—A. You mean that could actually prepare a meal?

Q. Yes.—A. I could say about 25 per cent of the females.

Q. Have you much trouble in that school with trachoma?—A. No; the examination by the surgeon of the Public Health Service throughout the United States, according to the pamphlets they issued, showed our school, outside of two little mission schools, to have the lowest percentage of trachoma of any school in the United States.

Q. What physician made that examination?—A. Dr. Lloyd made it.

Q. Made it himself?—A. Yes.

Q. How long was he engaged in making it?—A. Two days, if I recollect it.

Q. Were you present while the examination was being made?—A. Yes.

Q. How were they made?—A. He would look at a pupil and turn one eyelid back; if there was no indications he would pass the pupil.

Q. Did he personally examine all of the pupils?—A. Every one.

Q. So that he had an opportunity of knowing the actual number in that school that were afflicted with trachoma?—A. Absolutely every child.

Q. Did he make an examination for tuberculosis?—A. Yes.

Q. Do you remember what he found in that regard?—A. He found no pupil at that time that he pronounced should be dismissed; I think there were four or five incipient cases that he told our doctor he would need to keep under surveillance and watch the development.

Q. Did you send any pupils away for treatment elsewhere for tuberculosis?—A. Yes; we have quite a number; I think perhaps a dozen, at the sanitarium at Fort Lapwai, Idaho.

Q. From this school?—A. From my school and agency; there have been a few who have gone there who were not registered pupils in the school.

Q. What percentage of pupils who apply for admission to the school were rejected because they were afflicted with infectious or contagious diseases?—A. That would be very largely a guess, because we keep no record of them. I should say possibly 5 per cent.

Q. The first examinations are made at the agency?—A. Yes.

Q. From which they come?—A. Yes, sir.

Q. Is there also an examination made here?—A. Yes.

Q. Are you personally informed every time an applicant is rejected, or is that called to your attention?—A. Yes; because the dismissals have to come from me.

Q. Can you state about how many there were last year, for instance, that were rejected because of disease?—A. Oh, I should say perhaps 20; we have no record of that, because if they come to us and we examine them we tell them, "We can not take you," and we never make any record of the receipt of the pupils. We do not put him on our books.

Q. What services do you render in connection with the school yourself?—A. I am the executive head of the school, have the general supervisory charge, direction of the employees of the different departments, the outlining of the policy of the school, and the general scheme of instruction.

Q. You don't do any instructing yourself?—No, sir; I can not.

Q. Do you visit the various departments in the school in person?—A. Yes.

Q. How often do you do that, or do you have any fixed time?—A. No; I don't have any fixed time, because I want to drop around when they are not expecting me.

Q. How often, for instance, do you go to the woodworking department?—A. I intend to go there every day I am on the plant; of course my duties as agent take me away from the school at times; when I am at the school it is my plan to go there each day some time, if only for a few minutes.

Q. Do you personally supervise the machine shop, too?—A. In just the same way.

Q. Investigate the work that is being done there?—A. Yes; if I start out to make a tour of the shops or the grounds if the time will permit I just keep going as we did this morning until I have visited the entire plant.

Q. What portion of the time do you put in in going around to the various buildings and looking over the work?—A. A tour of the grounds usually takes about two hours. Then in the evening—you will understand that the office work; I must be there a good share of the day.. In the evening after the office work closes—after

dinner—is the time I devote the most of the time to the grounds. I visit the various departments and consult with the heads about future work, because I can better spare the time in the evening and so can they.

Q. Now, describe your office work and tell us of what that consists.—A. It consists in the management of the school and also the office work incident to an Indian agency. I have general supervisory charge of the Indians of southwestern Washington, not only the reservations but the unattached Indians; in a general way my jurisdiction is from the Strait of Juan de Fuca south to the State line west of the Cascade Mountains.

Q. How many Indians are there in that district?—A. There are about 2,000 enrolled Indians; unattached Indians I estimate at about 2,000 more.

Q. What reservations have you?—A. We have the Puyallup, if it can still be called a reservation, which I hardly think it can; the Nisqualli; the Muckleshoot; the Chehalis; the Quinaielt; the Squaxin Island; the Skokomish, and another reservation that is sometimes called Shoalwater Bay Reservation and sometimes Georgetown.

Q. What is the total area under your jurisdiction, approximately?—A. You mean of Indian lands or the entire territory that I cover?

Q. Of Indian lands.—A. The Quinaielt Reservation has approximately 224,000 acres and it is the largest one; the other reservations range from 4,000 acres down; I should say 240,000 acres would about sum it up.

Q. What do you do in connection with these various reservations? What are your duties and how do you perform them?—A. Well, they are duties of administration; on some of them I have a representative there through whom I deal.

Q. Do you visit the reservations?—A. Yes, sir.

Q. How often?—A. Well, that is a matter that is very irregular; just when it seems necessary; some reservations I have been to as high as a dozen times a year, others perhaps half a dozen.

Q. What communications have you with these subagents or farmers, whoever represent you on these reservations?—A. By mail or telegraph or long-distance phone.

Q. Have you telephonic connections with all of them?—A. No.

Q. What part of them?—A. I can reach through transfer the Quinaielt; we can reach directly the Muckleshoot.

Q. Of course it is impossible for you to supervise the school and personally supervise all these reservations. Now, what I want to get at, what is your system with regard to reaching the reservation directly and dealing with the problems that arise there?—A. That is done through the representatives; they make me weekly reports of that is transpiring, and when there are matters that they under their general instructions can not handle they are referred to me.

Q. Who are these representatives, and what are their official positions, and where are they located?—A. I have a farmer in charge on the Quinaielt, whose name is A. B. Roscovius; his headquarters is at the subagency; the post office is known as Tahola.

Q. Can you reach him by telephone?—A. Through a transfer; I have a long-distance phone which is transferred to our own line.

Q. How far is his office from here?—A. About 130 miles.

Q. What does he do?—A. His duties are simply those of a sub-agent, to look after the business.

Q. What is he called?—A. Farmer.

Q. That is in a large part a fictitious name; that is, he is not actually a farmer; he does not actually teach farming, does he?—A. No.

Q. Go ahead and tell what his duties are?—A. To look after the sanitation of the village; he has general control of the village, the coming and going of white people—whether or not they have a right; to supervise the Indian police and supervise the court of Indian offenses.

Q. Persons having complaints or business concerning Indian affairs within your jurisdiction; do they visit your office, or do they visit the local offices?—A. Usually it goes through the local office first; then if they want to come to me they bring a statement of the conditions from the man in charge.

Q. You rely on the man in charge?—A. I must.

Q. You have to do that under the system?—A. I must.

Q. Why do you say you must?—A. Well, because what would be the use of him if I did not rely on him. If I did not rely on him I might as well not have him there.

Q. Well, is there any other reason?—A. Well, I can't be there every day.

Q. Well, it is because you can not give your personal attention to it; is that it?—A. Yes.

Q. How many times have you been on the Quinaielt Reservation during the last 12 months?—A. That I can not say without going to the records, but I should say about 8 or 10 times.

Q. Have you a record of the places that you visited?—A. Yes; that could be ascertained from my expense account.

Q. Do you know about the length of time that you stayed—that you stay on the reservation?—A. Well, it is from a few hours to as much as 10 days; less than a year ago I was on the Quinaielt Reservation for almost two weeks.

Q. What are the general conditions on the Quinaielt Reservation? What is the number of Indians on that reservation, first?—A. I should say actually residing on the reservation there were probably about 400.

Q. What are they principally engaged in?—A. They are primarily fishermen.

Q. Do you know whether any of them are farming or not?—A. There are a few of them cultivate a little land, perhaps I should say—oh, not to exceed a dozen.

Q. What is the total area of lands farmed on the reservation by Indians themselves?—A. I don't suppose it would exceed 80 acres.

Q. Why do you call Mr. Roscovius a farmer?—A. Because that is his official position; he is carried on the payroll as a farmer.

Q. Have any complaints as to administrative matters been registered with you from the Quinaielt Indians during the last 12 months?—A. Yes.

Q. What do they relate to?—A. Largely as to their dealings with the farmer in charge.

Q. What do they complain of?—A. Well, principally that he is hard to get along with—one man complained that he was——

Q. Well, did you investigate the complaints?—A. Yes.

Q. What investigation did you make?—A. Personal investigation.

Q. Did you talk with the Indians who were supposed to know about the complaints that he made?—A. Yes.

Q. Did you submit any report of it to anyone?—A. No.

Q. Did you take any action in regard to it?—A. Yes; I simply told the farmer that he must be more careful in his dealing with them.

Q. What did they complain of?—A. One man complained that he was compelled to cut some wood as a penalty for not saying "good morning" to the farmer.

Q. Did you find whether that was true or not?—A. The farmer's statement was that it was for a different offense.

Q. Has he power to punish offenses?—A. As confirming the action of the court of Indian offenses.

Q. Did you investigate and find whether the Indian had been tried and sentenced to cut wood by the court?—A. No; I did not; I simply took it for granted that the Indian would not be punished unless he was.

Q. What is the use of making an investigation if you are going to take it for granted that he would not be punished unless he ought to be? There was a man that charged that a penalty had been imposed on him by an employee under your supervision for what was in law no offense; what did you do about it? How did you investigate it? Did you just ask Mr. Roscovius?—A. I asked him what the facts were.

Q. What did he say?—A. And he said that it was not for refusing to say good morning, as was claimed, but for counseling the Indians not to work on the road as they had been directed to do, by not only myself, but the action was approved and prescribed by the department.

Q. Well, did you talk with anyone else about that complaint besides Mr. Roscovius?—A. I talked with some of the Indians, and they did not appear to know definitely.

Q. What was the name of that Indian himself that was sentenced to cut wood?—A. Billie Garfield; he is right here in the room.

Q. Did you talk with him about it?—A. Yes; he came to me with his complaint.

Q. What other complaints did you have occasion to investigate?—A. Well, I do not think of any specific cases now.

Q. Have you authority to require the Indians to work the roads under the regulations?—A. Yes, sir.

Q. What length of time are they required to work?—A. To keep 100 feet in repair—when I took charge of that reservation——

Q. What do you mean by 100 feet?—A. One hundred linear feet.

Q. Each Indian is?—A. Each Indian who has fishing ground, who has fish to be transported out, is expected to keep a hundred feet of the road in repair.

When I took charge of the reservation the roads were simply frightful. There was only one way to get in there, part of the way over the beach; part of it over a little more than a trail, and

I instituted that plan. It had been done in a sort of desultory way before by assigning a certain section to each man that had fishing grounds to keep in order. That got 2 or 3 miles in pretty good shape, and last year I said, "Now, boys, you have got this road in good shape: let's let it alone this year and build an extension of new road so we won't have to go down on the soft beach for the last part of the trip."

To go from the railroad into the subagency you go along the beach 5 miles, and then over the hill, and then down onto the soft beach, which is particularly hard traveling, and during the winter tides it is very dangerous at times.

I said, "There is about a mile and three-quarters here, and it takes about six days for you to keep your section in order; we will just let the section run, and if you will do a certain part of the new road we will accept that in lieu." We call it a kind of poll tax—call it whatever you please—they objected to that and they appealed to the department. The assistant commissioner, then acting commissioner, had just a few months before been on the reservation and seen this road work, and the department sustained me and told the Indians they should work that road.

Q. What was the total number of Indian required to work on that road last year?—A. I think there were about 40 stations on the road.

Q. Out of the total population of 400, about 40 worked?—A. Yes; we only required it of men who had fishing grounds; they were the ones directly interested.

Q. That was on the theory that they were the principal users of the road, I suppose?—A. They had to have the road to get their product out.

Q. What amount of individual funds have you control of?—A. About \$35,000, approximately.

Q. How is this fund handled?—A. It is in the First National Bank of Hoquiam, deposited to the credit of each individual Indian.

Q. Does it draw interest?—A. Yes; $3\frac{1}{2}$ per cent.

Q. Have any complaints been made to you about the allotments or failure to allot on the Quinaielt Reservation?—A. You mean that the people that thought they were entitled did not receive allotments?

Q. Yes; or complaints about allotments?—A. Yes; there have been some complaints.

Q. What were those complaints?—A. Well, in some cases they claimed that they did not get the lands that they selected.

Q. Do you know about how many of those cases there were?—A. No; I don't.

Q. Who is the allotting agent there?—A. Mr. Archer.

Q. He is here?—A. Yes.

Q. Did you investigate those cases?—A. Yes; and in most cases they could not be allotted this land, due to the department's regulations as to its classification as land being more valuable for its timber than agricultural purposes.

Q. How are the lands on that reservation classified?—A. Into two classes, abricultural and mineral.

Q. Have you any mineral land?—A. Well, the mineral proposition only came up—

Q. Were any lands classified as minerals?—A. No.

Q. You haven't any land set aside for power sites or power purposes?—A. No; the department has made two or three investigations of possibilities, but abandoned it as unfeasible.

Q. What is the total area of the lands classified within the Quinaielt Reservation as agricultural lands?—A. That I can not answer, because that has been in the hands of the allotting agent.

Q. Of course, you would not know the area classified as timber lands?—A. No.

Q. What investigation did you make into these complaints about the allotment; what did you do about them?—A. Well, I simply talked to Mr. Archer as to why they were not allotted.

Q. Well, the complaints were about his action?—A. That he did not give them the land they selected.

Q. You referred it back to Mr. Archer?—A. Yes; and his statement was that, under his regulations that he had from the department, that he could not do it.

Q. Do you know about the Billie Garfield case—40 acres he claimed he was entitled to as an allotment that was not allotted to him?—A. Only in a general way, and that is, that in selecting the allotments he selected fractions—now, this is indefinite, you understand—that he selected fractions; for instance, he might have selected 80 acres that only had 77 or 74 acres.

Q. Well, was that case called to your attention?—A. Yes.

Q. He complained?—A. Yes.

Q. What investigation did you make, if any?—A. I asked Mr. Archer; and that was the explanation, that he elected to take that fractional piece.

Q. I suppose you got no further information from it except what was furnished by Mr. Archer?—A. Yes.

Q. I suppose he would know better about that than you?—A. Yes.

Q. Were leases of oil lands made on the Quinaielt Reservation?—A. Yes, sir; there have been some leases made.

Q. Do you know how many have been made and about the areas of tribal lands that have been leased?—A. I have the information right here; I can give it to you exactly; but, as I recall it, there have been 18 tribal leases written, and the maximum for each lease is 4,800 acres; some of them did not take the maximum; I have the leases right here.

Q. Was a uniform copy of lease used?—A. Yes.

Q. Have you a copy of that?—A. Yes.

Q. Let me see it?—A. It is the form furnished by the department.

Q. It is the usual department form, is it?—A. Yes, sir; there is one of them just as it came back to me approved, this morning, with the correspondence attached.

Q. How did this movement to lease the lands on the Quinaielt Reservation for oil purposes originate and when?—A. Sometime in 1910, I think pretty early in the year, there was a man by the name of M. K. Rodgers, who operated from Seattle, came to me regarding it; and I had never had any experience with handling oil leases, and so I wrote the department for instructions, which they sent me. This man Rodgers prospected on the reservation under permission from the department, and the department gave me instructions to hold a council with the Indians to determine whether or not they were willing to lease their lands for mineral purposes, which I did.

Q. Was that instruction in writing?—A. Yes, sir.

Q. Will you let me see that, please?—A. Yes, sir.

Q. Have you more than one copy of that?—A. No, sir.

Q. I suppose you would want to have that?—A. Yes, sir. I can have a copy made for you.

(Copy of said letter was marked "Exhibit 1," and was as follows:)

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Washington, July 13, 1910.

H. H. JOHNSON, Esq.,

Superintendent Cushman Indian School, Tacoma, Wash.

SIR: The office has received your letter of June 28, 1910, relative to the desire of M. K. Rodgers to prospect for oil on the Quinaielt Reservation, in order to ascertain if there is oil in paying quantities, before entering into a lease.

Copies of the regulations governing the leasing of tribal and allotted Indian lands for mining purposes are inclosed, as are blank applications for permission to negotiate for leases, which application should be filed out and submitted to the office in duplicate before any negotiations are entered into.

There are also inclosed copies of the regulations governing prospecting on Indian reservations and notice of claim. Under these regulations if permission is granted to negotiate for leases of tribal lands, the permittee will be allowed 90 days in order to locate the lands which he may want to lease. Before applications for permission to negotiate leases would be approved, a council of the Indians must be held in order that they may express their willingness to lease the tribal lands for the purpose indicated. Should Mr. Rodgers or others desire to make application under their regulations, you should call a council of the Indians and present to them the question of authorizing the leasing of their tribal lands for mining purposes, and forward a duly authenticated report of the council proceedings to the office with your recommendation. If the Indians authorize the leasing of the land, applications for leases of tribal lands would then be considered.

If it is desired to lease allotted lands alone, it will not be necessary to present the question to a council of the Indians, as permission may be granted by the office to negotiate with individual allottees who will sign their own leases.

Very respectfully,

C. F. HAUKE,
Second Assistant Commissioner.

Q. Under date of July 13, 1910, you say you were instructed to call a council of Indians and present to them the question of authorizing leases of their tribal lands for mining purposes?—A. Yes, sir.

Q. Did you call a council?—A. Yes, sir.

Q. How was that council called?—A. That was called through the man on the reservation. I notified him that I would meet the Indians in council on a certain day and for this purpose.

Q. Well, do you know when you notified him, and how?—A. Well, no; I always make it a point to notify them at least a week in advance, and I have done it as high as a month in advance, where there were interested parties that had to come from a distance. Now, here is the copy of the proceedings of the council.

Q. Wait a minute; I am not ready for that yet. You have no personal recollection or record of the notice that you gave of this council?—A. No; I have no personal recollection, and I can not say.

Q. You relied on Mr. Roscovius to give notice to the Indians?—A. Yes.

Q. He was the particular man you communicated with?—A. Yes. Now, I may have a record of when I notified him. I won't say as to whether or not I have. Sometimes I notified him over long-distance telephone.

Q. At least you can not state now when it was?—A. No; I can not state now.

Q. Do you know of your own knowledge what action he took in regard to notifying the Indians so as to give them an opportunity to be present?—A. Only his report to me.

Q. Did he make a written or verbal report?—A. No; verbal.

Q. What did he tell you?—A. He said he notified everybody on the reservation. Those off the reservation we could not reach, and they would not come if we could reach them.

Q. What means of communication could he use to notify those people?—A. They all live in the village—practically all live in the village, except there is a little settlement at Quiets River, and with that we have telephone communication.

Q. How is that Indian council composed and how is it organized?—A. It is simply convened by me.

Q. Of whom does it consist?—A. Of every person in the tribe over 18 years of age.

Q. What are the total number of members entitled to participate in the council?—A. I think a little over 100.

Q. Have you a list of them?—A. No; except as I would get it from my census roll.

Q. There is no official council list in existence, as far as you know?—A. No.

Q. Now, after having Mr. Roscovius notify them that you were going to have a council, where did you hold the council?—A. In the school building.

Q. At the subagency?—A. Yes.

Q. How many were present?—A. I can not say; the room was pretty well filled; it will seat 28 pupils normally.

Q. Did you make any investigation to find out whether a quorum was present or not or did you assume a quorum was present?—A. No; I made no investigation as to whether a majority—that is what you mean by a quorum?

Q. Well, I don't know; I am trying to find out from you what does constitute a quorum of that council.—A. The members present.

Q. Five members could hold a council if there was no one else present?—A. Yes. However, I would say I would not go into a council with that small a number, because I would not consider it representative; but they could.

Q. Do you know about how many you did actually have?—A. I presume about 50.

Q. What is the total number of persons over 18, if you know? About how many?—A. Something over a hundred.

Q. You mean adult males, don't you?—A. Yes.

Q. And you think there was something over a hundred?—A. Yes.

Q. You think there were about 50 there?—A. Yes; understand me, that is on the rolls of the tribe. Now, the rolls of the tribe include the Georgetown Indians, who, while they are technically Quinaielts, do not live there and won't live there.

Q. How long was that council in session?—A. Well, now, that is over three years ago, you understand.

Q. Yes; I know.—A. I think from my recollection of the discussion that it was a good portion of an afternoon.

Q. Who kept the record of the council that was then held?—A. I did; it did not appear that it would be voluminous enough to warrant the expense of taking a clerk over there, and I did it myself.

Q. What happened in the council meeting; just describe it.—A. Well, I had a copy of the regulations of the department pertaining to mineral leases which I read to the council and had thoroughly explained, and then the discussion was back and forth as to whether there was oil there; most of the Indians were pretty skeptical, but I explained to them that it would do no harm to let somebody that wanted to find out, and if they had a valuable resource there that, in my judgment, they should have it developed. They displayed a great deal of intelligence in discussing the matter. They wanted to know how these things were done, what they would get out of it, and how and when. Take it with the older people, it was a little bit difficult to get them to understand just the meaning of the word "royalty." They did not quite conceive of just what the word royalty meant, and I have a very distinct recollection of how I showed it. There are a few Indians up there that fish on a share. We have that situation, and I used that as an illustration; when you catch so many fish you have to turn over such a number to the person who owns the fishing ground, and I said this royalty is exactly the same proposition. These people take out so many barrels out of the ground and they have to turn over out of every hundred barrels—the regulation prescribed 12½ per cent royalty. I said they have to turn over to you 12½ barrels out of every hundred. I have a very distinct recollection; it took a great while to get them to understand that.

Q. Did they participate in the discussion?—A. Yes.

Q. How many of them talked about it?—A. There was quite a large number; some of them simply said, "I agree to what the last man said"; and others just without rising said, "I believe we ought to allow this development to go ahead." There were perhaps a half dozen that made talks of more or less extent.

Q. Did anyone present express opposition to authorizing the leases?—A. No, sir; not one; they were a unit on the proposition that if they had an undeveloped resource that they wanted it developed.

Q. What was done at that meeting as a final result, was a vote taken?—A. Yes.

Q. How was it taken?—A. By raising of the hands.

Q. Did you count the vote and make a record of it?—A. No; we made no record of it; I counted the vote and then asked for an opposite vote and there was no dissenting votes.

Q. You gave an opportunity for a contrary vote?—A. Oh, yes; certainly.

Q. No one voted against the granting of the leases?—A. No, sir.

Q. What did you do with the minutes of that meeting?—A. I forwarded them to the Indian Department.

Q. Did you hold other councils?—A. Yes, sir.

Q. What were they held for?—A. Well, the department replied to me—I say replied—I don't know whether it was a reply to any particular letter or not, but they informed me it would be necessary for some one to be designated to sign the leases for the tribe and instructed me to call a council—there is the letter—and submit the question to the tribe, suggesting, as you will see, that it would be

entirely proper for the council to designate me to perform this simple ministerial act.

Q. Have you a copy of the letter to which this is a response, the letter which you wrote, under date of July 27? Did you keep a copy of your letter?—A. Oh, yes.

Q. Will you get me that?—A. I haven't that with me.

Q. Will you get it and furnish it to the stenographer so it may go in the records?—A. Yes, sir. As I recall it it was simply a transmittal of the proceedings of the council.

(Letter of witness to the Commissioner of Indian Affairs, under date of July 27, 1910, was marked "Exhibit 2," and was as follows, with the reply to same, under date of August 26, marked "Exhibit 3":)

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
OFFICE OF INDIAN AFFAIRS,
Washington, August 26, 1910.

MR. H. H. JOHNSON,

Superintendent Cushman Indian School, Tacoma, Wash.

SIR: The office has received your letter of July 27, 1910, forwarding a copy of the council proceedings of Quinaliet Indians, in which they unanimously agree to permit the leasing of their tribal lands for mining purposes.

It is noted that while the council selected three of their members to sign its proceedings, it did not select anyone to sign leases for and on behalf of the tribe. It is therefore suggested that in case any persons apply for leases of tribal lands that you convene a general council for the purpose of having the Indians select either the superintendent in charge of the reservation or some members of their tribes to sign the leases for the tribe. On the Shoshone Reservations, where several tribal leases have been made, the business committees of the tribes have been authorized to sign the leases.

There are sent you under separate cover a small supply of the regulations governing the leases of tribal lands for mining purposes, regulations governing prospecting on Indian reservations, notice of claim, and blank mining leases of tribal lands. In case leases are negotiated the following should be inserted in lieu of Article V:

ART. V. The party of the second part, for and in consideration of the privilege of conducting mining operations upon said described lands, for the period of time herein stated, hereby covenants and agrees to pay or cause to be paid, in lawful money of the United States to the United States Indian agent of said agency, or to such other person as the Secretary of the Interior may designate, for the use and benefit of said Indians, the following rentals and royalties:

1. Annually, in advance, a rent of ——— cents per acre for the first year or fraction thereof up to December 31; ——— cents per acre for the second year; and ——— cents per acre for the third and each succeeding year.

2. For substances other than gold, silver, copper, lead, zinc, tungsten, coal, asphaltum, and allied substances, oil and gas, a royalty of ——— per cent of the value at the nearest shipping point of all ores, metals, or minerals marketed, payable quarterly.

3. For gold, silver, copper, lead, zinc, and tungsten a royalty of ——— per cent payable quarterly, and to be computed on the gross value of the ores as shown by reduction returns after deducting freight and treatment charges. Duplicate reduction returns shall be filed by the lessee with the superintendent or other officer in charge of the reservation from which the ores are taken within 20 days after the reduction of the ores, and the royalty shall be paid to the superintendent or other officer in charge within 10 days after the end of the quarter within which such returns are made.

4. For coal, a royalty of ——— cents per ton of 2,000 pounds, mine run, or coal as taken from the mine, including what is commonly called slack, payable quarterly.

5. For asphaltum and allied substances, a royalty of ——— cents per ton of 2,000 pounds for crude material, or ——— cents per ton for refined products, payable quarterly.

6. For oil, a royalty of ——— per cent of the gross proceeds of the oil produced, payable at the time of sale or removal of oil from the premises where produced.

7. For gas, ——— dollars (\$——) per year for each well. Where the lessee desires to retain the gas-producing privilege of any well, but not to utilize the well for commercial purposes, he shall pay an annual rental of ——— dollars (\$——) in advance, beginning from the date of the discovery of gas, and to be paid within 20 days therefrom.

8. On all precious or semiprecious stones the value of which is determined by carat weight, 25 per cent of the market value, as shown by the lessee's records, in the manner aforesaid.

9. The above-mentioned rates of rental and royalty shall be subject to readjustment at the end of five years at such equitable rates, conforming to the prevailing commercial practice, as the conditions at the time shall justify.

10. All sums paid as rental in any one year shall be credited after production begins on the royalty for that year.

11. In addition to payment of the advance rent and royalties specified, the lessor, as a further consideration, shall, on deposits of the nature of lodes or veins containing ores of gold, silver, copper, lead, zinc, or other useful metals, expend annually in development work a sum which, with the annual rental, shall amount to not less than five dollars (\$5) per acre; and in conducting mining operations on beds of placer gold, asphaltum, phosphate, iron ores, or other useful minerals other than coal, oil, or gas, a sum which, with the annual rental, shall amount to not less than one hundred dollars (\$100) for each 160 acres or fraction thereof.

No leases have been printed since the approval of the regulations of July 12, 1909, which provide for the change in the leases.

Very respectfully,

C. F. HAUKE,
Second Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Cushman School, Tacoma, Wash., July 27, 1910.

The honorable COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: Referring to office letter of July 13, 1910, I have the honor to inform you that on a recent visit to the Quinaielt Subagency I convened a council of the tribe and presented to them the question of leasing their tribal lands for mining purposes. I inclose a copy of the council proceedings herewith. The Indians in council unanimously voted to allow the leasing of their lands under departmental regulations, and I recommend that the action of the council be approved.

Very respectfully,

H. H. JOHNSON,
Superintendent and Special Disbursing Agent.

Q. Three members of the council appear to have signed the proceedings of the council under date of July 20, 1910—Billy Mason, Silas Hall, and Sam Hoh; who were they?—A. They were three adults.

Q. This record of the proceedings appears to have been certified by W. J. Garfield, interpreter; is he the Indian called Billie Garfield, who is present?—A. Yes, sir.

Q. Did he sign his name to that?—A. Yes.

(A copy of the proceedings of the council, marked "Exhibit 4," is as follows:)

A council of the Quinaielt Tribe of Indians was convened at Taholah, Wash., July 20, 1910, for the purpose of considering the question of leasing the tribal lands for mining purposes. The regulations of the department governing mining leases was read and carefully explained to the council, after which a discussion of the question was invited.

Billy Mason said that he had never imagined that there was anything valuable in the ground under the reservation, but if there was oil or anything else of value he was in favor of getting the benefit of it.

George Underwood said that he did not believe there was oil under the reservation, but that he is heartily in favor of allowing reliable companies to prospect for oil or any other mineral.

Dickson said that he was in favor of making proper leases for mining purposes, and would be satisfied to leave the whole matter in the hands of the department.

John Carter (China) said that he is an old man; that he had lived all his life on the reservation; that he was much surprised to learn that the oil that he burned in his lamp could be found under the very ground he then stood on; that he was heartily in favor of anything that would be for the benefit of his people, and thought it would be wise to allow prospecting for oil or any other mineral if the interests of the Indians were safeguarded.

Chief Mason said he was heartily in favor of the proposition; that he believed in making the most possible of the reservation's resources.

Other members of the tribe spoke briefly in favor of the proposition.

A vote was then taken, which was unanimously in favor of permitting mineral leases under departmental regulations.

Sam Hoh, Silas Hall, and Billy Mason were selected by the council to act as their representatives in signing the proceedings of the council.

There being no further business, the council then adjourned.

BILLY MASON.

SILAS HALL.

SAM (his x mark) HOB.

Witness:

C. A. BULLARD.

I hereby certify that I interpreted the proceedings of the council of Quinaielt Indians as set forth above. I further certify that I read and understand the English language, and I am certain that every member of the council understood the business transacted.

W. J. GARFIELD, *Interpreter*.

I hereby certify on honor that the foregoing is a true and correct account of the business transacted at a council of the Quinaielt Tribe of Indians, convened at Taholah, Wash., on July 20, 1912.

H. H. JOHNSON.

Q. Now, you held a subsequent meeting you say for the purpose of complying with the requirements of the department under date of August 25, 1910. What notice was given of that meeting?—A. Notice in the same way as of the other council. I can not say whether it was—

Q. (Interrupting.) You really don't know what notice was given to the Indians; you relied on Mr. Roseovius to give the notice?—A. Yes.

Q. You don't know how he did it or to what extent?—A. Yes.

Q. How many attended that council?—A. That I can not say.

Q. What was the date of it?—A. That was the 12th day of January, 1911.

Q. Where was it held?—A. It was held at the same place. Now, I want to explain this council proceeding a little. When this man Rodgers I spoke of that originated this oil proposition—I notified him that he had the permission of the department to prospect, and later he filed his notice of claim as required and then began to negotiate his leases. He never completed his leases—why, I don't know. I suppose he made up his mind there wasn't anything in it. We had a stack of leases there, and we held them for months. Finally he either wrote me or told me that he was not going to complete them, but I called this council of January 12, 1911, in accord-

ance with the instructions to appoint some one, as you see they suggest there the superintendent may be appointed, to perform this ministerial act of signing the leases. This council proceeding was never forwarded to the department, and right here is the original.

(Said council proceedings of January 12, 1911, marked "Exhibit 5," were as follows:)

At a council of the Quinaielt Tribe of Indians convened at Taholah, Wash., on the 12th day of January, 1911, the following business was transacted:

It was moved and seconded that the superintendent in charge of the Quinaielt Reservation be authorized to sign all mineral leases made on tribal lands, said signature to be for and in behalf of the Quinaielt Tribe. Upon the motion being put to vote, it was carried unanimously.

The council voted to authorize Harry Shale, Johnson Waukenas, George Sickman to sign the proceedings of the council for and in behalf of the tribe.

There being no further business, the council adjourned.

HARRY SHALE.

JOHNSON (his x mark) WAUKENAS.

GEORGE (his x mark) SICKMAN.

Witnesses:

GEORGE UNDERWOOD.

WEBSTER H. HUDSON.

I hereby certify that I understand the Quinaielt language and also the English language; I further certify that I carefully interpreted the proceedings of the foregoing council and that I am satisfied that everyone present thoroughly understood all the business transacted.

ALBERT SMITH.

I hereby certify that the foregoing is a true and accurate account of the proceedings of a council of the Quinaielt Indians convened by me at Taholah on January 12, 1911.

H. H. JOHNSON,

Superintendent and S. D. A.

The reason for that was this, I thought I would hold this until this man Rodgers completed his list and was going to forward the whole thing as one communication, but he did not complete his list and therefore it never was forwarded and it got lost in my files. Now, we had still another council, and that was last November, when these other people began to prospect for oil and began to indicate their readiness to enter into leases. Then I told the clerk to hunt these council proceedings where they had authorized me to sign, so we could send them in with the leases. Practically all of my clerical force looked for three days and could not find them, and the clerks tried to make me think I never held this council, but as we could not find them, I said the only thing to do now is to hold another council to confirm the act of this council that was held before, which was done in November, I think, of 1912. A few months ago we were retabulating our files and we found this, but in the meantime we had held this other council, and that is why I have this still in the original; it was never filed.

Q. The purpose of that November council was simply to authorize some one to sign the leases?—A. That is all it was.

Q. You did not go into the November council about the question of executing the leases at all, because that was precluded by the prior council?—A. That had been covered in that council of 1910.

Q. Now, have you the record of that council in November last?—A. Yes.

Q. Let me have that.—A. This is a copy of it, the one in November. The one in January, 1911, which we lost, this is the original.

I want to give you a copy of it because it is in the original; I want to retain that for my files.

Q. Now, at this meeting of November 4, 1912, who kept this record?—A. I kept it.

Q. Does it recite substantially the facts of the meeting?—A. Yes; that meeting was very short, as I recall it. They said we had threshed that all out before, we understand it, and all that is necessary is to simply make this authorization for you to sign it.

Q. And so Frank Law made the motion that the superintendent be authorized to sign the leases in behalf of the tribe?—A. Yes, sir.

(Said council proceedings were marked "Exhibit 6," as follows:)

At a council convened at Taholah, Wash., on November 4, 1912, the following business was transacted by the Quinaielt Tribe: The superintendent explained the meaning of the regulations pertaining to mining leases, particularly as related to the matter of oil and gas.

George Underwood said that this question was fully discussed about two years ago, and that he thinks the people thoroughly understand it.

Frank Law made a motion that the superintendent of the Cushman Agency be authorized to sign leases on tribal lands for and in behalf of the tribe.

The motion was seconded by Thomas Bastian.

The question was called for and put to a vote. The vote was unanimous in the affirmative.

Johnson Waukenas, Silas Hall, and James Hyasman were selected to sign the proceedings of this council for and in behalf of the tribe.

There being no further business, the council adjourned.

JOHNSON (his x mark) WAUKENAS.
SILAS W. HALL.
JAMES HYASMAN.

Witnesses:

J. W. LIVELY,
FRANK W. LOWE.

I hereby certify that I was present at a council of the Quinaielt Tribe of Indians convened at Taholah on November 4, 1912; that I acted as interpreter for said council; and I am satisfied that every person present thoroughly understood the proceedings of said council.

JOS. CAPOEMAN.

I hereby certify that the above is a true and correct account of the proceedings of a council of the Quinaielt Tribe of Indians convened at Taholah, Wash., on the 4th day of November, 1912.

H. H. JOHNSON,
Superintendent and S. D. A.

Q. Did you ask him to make the motion?—A. Yes, sir.

Q. Did you know he had made an affidavit to the effect that you had asked him to make the motion?—A. No, sir; I didn't know it.

Q. Do you know how he came to make the motion?—A. No, sir; except he has only a fraction of Indian blood and takes a considerable part in those things.

Q. Is he a recognized member of the tribe?—A. He was adopted; he is not a Quinaielt by blood.

Q. Is he on the rolls?—A. Yes; by adoption.

Q. I see Johnson Waukenas, Silas W. Hall, and James Hyasman signed the records of this meeting, and J. W. Lively and Frank W. Lowe.—A. That is a mistake in typewriting; that is Frank W. Law, the man that made the motion.

Q. The man that made the motion?—A. Yes, sir; as witnesses, and the thumb marks of those that could not sign.

Q. Just what request was made of the council at this meeting of November 4, 1912?—A. As to who would be authorized—who they wished to authorize—to sign the tribal leases in their behalf.

Q. Was a formal vote taken on the matter?—A. Yes.

Q. How?—A. By holding up the hands.

Q. How was the vote?—A. There was no dissenting vote.

Q. The record says the vote was unanimous in the affirmative; did they all vote?—A. No; you can not always get every Indian to vote.

Q. Do you know how many of them voted?—A. No; but there was a majority of those present that did vote; otherwise it would have been resubmitted. I had occasion of that kind in a council less than a year ago, where I had to hold them for over an hour because wouldn't enough of them vote one way or the other to constitute a majority.

Q. Well, did you keep a record of the votes?—A. No; I did not in this case.

Q. Well, you couldn't tell whether a majority of them were voting unless you knew who was present and participated in the meeting?—A. Well, I was right there.

Q. How many were present and participated in this meeting?—A. That I can not tell you, because the room was fairly well full.

Q. How do you know a majority of them voted, even if you counted all those voting, unless practically all voted—how can you tell there was a majority?—A. I could count who were present and the votes.

Q. How many were present; that is what I am trying to find out?—A. My recollection is close to 50.

Q. Both November 4, 1912, and the meeting in 1910, each authorized the leasing in the first instance?—A. Yes, sir.

Q. Was it suggested by anyone to have anyone else sign the leases other than you?—A. No.

Q. Was it suggested there by anyone that the leases ought not to be issued at all?—A. No.

Q. Was that subject discussed?—A. Not in this council. That was thoroughly thrashed out in the council of 1910.

Q. Did you put the negative side of the question here?—A. Yes.

Q. And were there any votes?—A. Not one.

Q. Well, after this proceeding in the meeting of November 4, 1912, what was done in regard to leasing the alleged oil lands?—A. The various parties that had been participating filed their notices of claim, as required by the department, and then finished their leases. I don't recall the date of the first leases, but I do recall the date of its approval by the department—December 16 of last year.

Q. Do you know whether or not a time for prospecting and for beginning operations is fixed in the lease?—A. No; not for prospecting, because the prospecting is supposed to be done before they enter into the lease, but there is a period of one year, as I recall it, in which they must begin operations.

Q. Have any operations been begun?—A. Yes, sir.

Q. How many?—A. Only one lease, as far as I know.

Q. Where is that?—A. It is north of the subagency; about three-quarters of a mile.

Q. Is that on the 40-acre tract of land claimed by Billie Garfield?—A. That I don't know. Billie says that it is. The people that sold the lease say they have run the lines and that it is not; that it is on tribal lands adjoining. I would suggest that Mr.

Archer, who made these allotments, be questioned as to that point: he is more familiar as to those lands than I am.

Q. What is the extent of those operations?—A. The last I heard, about a week ago, they had their derrick up: said they would be drilling within three or four days. I saw the man who was supervising the work.

Q. Have any of the lessees forfeited their right to drill by delay?—A. Yes; one.

Q. Who was that?—A. His name was Hawley.

Q. What area did he have leased?—A. As I recall it, 4,800 acres of tribal lands.

Q. As I recall it, all these leases are leases of tribal land?—A. Yes; that is what I have been speaking of, but there was about 50 leases of allotted land.

Q. Does the department limit the area that may be leased to any one lessee?—A. Yes, sir; 4,800 acres.

Q. So the maximum amount was leased to various parties?—A. Yes, sir; and some did not take the maximum.

Q. Turn to your record, if you can not state it from memory, and tell me to whom leases of tribal land on that reservation have been made, the date of the leases, and what operations have been conducted under them, if any, and the date of the approval of the leases also in such as has been approved.—A. Now, Sterling B. Hill lease, approved September 8, 1913; his lease is for 2,529.12 acres.

Q. Is that a copy of the lease you have there?—A. Yes, sir; this is our original copy.

Q. Now, I see by this lease that a rent of 15 cents per acre for the first year is provided; 40 cents for the second year; and 75 cents for the third year, to be credited on the royalty, if production begins.—A. Yes.

Q. Have you collected any rental?—A. Yes, sir.

Q. What amount have you collected?—A. About \$8,000. You see, I have collected on leases that are still pending; that is, the requirement that the money be paid in advance—in advance of the approval of the leases; there have only been five leases approved up to date.

Q. I presume the purpose of requiring that rental is to show good faith in the lessee and real bona fide intention to operate?—A. I presume so.

Q. And to prevent speculation?—A. Yes, sir.

Q. You say under that you have already collected about \$8,000 of money?—A. On tribal lands.

Q. On account of these leases?—A. Yes, sir.

Q. What disposition have you made of those funds?—A. It is deposited to my credit with the Treasurer of the United States.

Q. Your credit as agent?—A. Yes.

Q. If it is not approved, the rental money is returned?—A. Yes, sir.

Q. According to the terms of the lease?—A. Well, I don't know whether the lease states it or not but they could hardly—it would not be fair or would not be business; now, I will say there that these mere collections were not made at the time the leases, through a misapprehension of my own; now I never handled oil leases, but I have handled very extensively farming leases on Indian reservations, and the custom with those was that the first installment was not paid before the lease was approved, so I told the people, these lessees,

that when these leases were approved I would call on them for rentals. Now, the department called my attention to this fact, and said that it must be paid when the lease was executed, and I collected them and there were some of them still seemed dilatory and I got a telegram from the Indian Department directing me to notify these delinquent lessees that they must pay their money in 10 days or their leases would be forfeited. I notified them and took the precaution to register the letters asking for a return card so as to have evidence that they got it. All of those men came through but one, who had leases pending.

Q. What leases have been submitted to the department for approval and have not been approved?—A. I will have to have that [indicating].

Q. First let's have the list of those that have been approved—the rest of them.—A. I gave the Sterling B. Hill first, 2,529.12 acres. The next is F. A. Leonard, 4,556.62 acres.

Q. Have you got the date of that approval?—A. The date of that approval was September 8, 1913.

When I say "next" I take these as they come in here; they are not chronologically arranged. Then there is the lease of A. W. Lane, for 2,840 acres; that was approved on April 15, 1913. That was the date of the approval by the Secretary.

Now, this lease of Lane's was made in December, but they changed lease forms and the delay in approval was probably due to the fact that he had to assent to the conditions of the new regulations.

Q. Who had to assent, the lessees?—A. Mr. Lane. Then there is the lease of George F. Stone. His acreage is even 4,800. He took the full amount. The date of approval is blurred, but appears to be April 15, 1913.

Q. Have you other leases?—A. One of your gentlemen has the one that I handed you, the one I got approved this morning.

Q. Well, describe it.—A. This is the lease of B. F. Caughorn.

Q. When was that approved?—A. That was 4,793.86 acres and was approved September 16, 1913.

Q. Well, are there other leases of tribal lands that have been approved?—A. There are other leases.

Q. That have been approved?—A. No; but I haven't those, because they are before the department for approval—all the papers in the case; there are, I think, nine others.

Q. Have you ever furnished anyone with a list of these leases that have been approved, and that have not been approved?—A. No, sir; we give them—where a man has surrendered several of them that made filings and surrendered them—whenever a man come in and wanted to know whether certain lands were covered, we gave them the information that they had been surrendered by thus and so.

Q. Did you ever see that memorandum? Do you know where that information could be obtained?—A. It could be obtained in my office, or it could be obtained in Washington.

Q. There would be no secret about it?—A. No; I don't see why there should be.

Q. Was there a lease to Guy E. Wells, of New York, of 4,398.75 acres?—A. Yes; there was such a lease written; of course, the acreage I can not state offhand; it is pending before the department now.

Q. Still unapproved?—A. Yes.

Q. Do you know whether there was a lease to one G. R. Snider, of Aberdeen, for 4,655 acres?—A. Yes, sir.

Q. Is that one of the leases still pending?—A. That is one of the leases still pending.

Q. Was there one also to C. T. Scurry, of Aberdeen, for 4,760 acres?—A. Yes, sir.

Q. And another to A. P. Stockwell, of Aberdeen, of 4,800 acres?—A. Yes, sir.

Q. And another to Carl A. McIntyre — A. Charles, that should be.

Q. Of Copalis, Wash., for 4,240 acres?—A. Yes, sir.

Q. Did all of these people pay the rentals when these leases were made?—A. No; I just explained that—through a misunderstanding of the regulations—I told them that they would be due when the leases were approved, but later the department called my attention to my error.

Q. Have you since collected it?—A. They have been paid.

Q. They have all paid?—A. I believe there was one, but you have not read his name, a man by the name of Hawley.

Q. Does the statement that I have read to you cover all tribal leases, including leases that have not been approved, or are there still others outstanding not approved?—A. That I could not tell you. How many are there in that list? It is my recollection that there were 9 leases on tribal lands.

Q. There are 11 mentioned here.—A. Well, my memory may have been at fault.

Q. Well, have you a list? Do you keep a record or memorandum of these that are sent in for approval?—A. Yes; the clerks, when I told them I wanted the papers in the oil leases, thought what I wanted was what had been approved, and did not put the others in.

Q. So you have not at hand here a memorandum as to the leases that have not been approved?—A. Yes; but my impression is that is the complete list.

Q. Prior to the making of these leases were complaints filed with you by the Indians to the making of the leases on the grounds that the council had not been legally held and they had not had notice of it?—A. No, sir.

Q. Were complaints ever registered with you by Indians that this council you held up there in 1910 was without notice to the majority of the Indians?—A. No; I have heard that they were making those statements but no complaint had been made to me by anybody.

Q. Did you investigate to find out just what Mr. Roscovis did to give them notice?—A. No, sir.

Q. You never looked into that?—A. Except his report to me that he had notified the Indians.

Q. Were complaints afterwards made against and objections made to the granting of these tribal leases?—A. Not to me.

Q. Now, passing for a moment to the subject of individual leases, how many of them have been made and approved?—A. There have been about 50 made and my recollection is that there have been 18 approved. Here are the leases on allotted lands. As I say, this embraces the approved leases that are before the department.

Q. Will you make a list and hand it to the stenographer of all individual leases that have been made and a list of all individual leases that have been approved?—A. Yes, sir. You want the name, the date of the approval, and the acreage?

Q. Yes.—A. Is that all you want?

Q. Yes.

Senator TOWNSEND. The royalty is the same in all.

The CHAIRMAN. Yes.

Q. The royalties are uniform and the provisions are uniform?—A. Absolutely.

Q. How are these lessees, running through these various individual leases, are they to the same person or corporation, or to diverse corporations?—A. They are pretty much to the same person; I think that there are two.

Q. Who are they?—A. A. W. Lane. As I recall it he has 16 of them: the first of these is a Lane lease.

Q. Give the names of the persons leasing to Lane and the date of them. Give whose allotment it is first, whether you signed it or whether they signed it.—A. These allotments, they all signed except the minors. Now, perhaps you would like to have the allotment number, too. John Wakatup, allottee 442, to A. W. Lane, 80 acres; date of approval was December 12, 1912.

Q. Who signed that?—A. Wakatup.

Q. Wakatup himself?—A. Signed by mark.

Q. Signed by Wakatup himself and not by you?—A. Yes; he is an adult.

Q. What is the date of it?—A. The date of approval?

Q. The date it was executed?—A. Executed on the 4th of November, 1912.

Q. When approved?—A. The 12th of December.

The next is Alice Jackson. Now in some of these leases, without looking up the records, I can not tell which one the allotment belongs to, because following the laws of Washington these men took leases where there was husband and wife, had them both sign the leases which is not necessary, but he followed the laws of the State. This is allottee No. 39, at any rate, Alice Jackson, because she is the first mentioned.

Q. Give the name of the signatures.—A. Alice Jackson and James Jackson, her husband.

Q. Give the date of it and the date of approval.—A. The date of execution was November 4, 1912; the acreage is not given, and as it is a lot it is possibly fractional.

Q. Less than 80 acres.—A. Approximately 80 acres.

Q. Approved, was it?—A. Approved on December 12, 1912.

The next is Samuel Hoh, allottee No. 265, and this is also a fraction. It was a full allotment probably of 80 acres; that is, approximately 80 acres. That was executed on November 4; it was signed by Samuel Hoh and also by his wife, and approved on December 12, 1912.

Q. Who is the lessee in that lease?—A. A. W. Lane. These are all A. W. Lane.

Q. Go ahead.—A. The next is Eels John. The allotment number has been omitted in this list, but it was executed on January 13, 1913, for 80 acres. Now, in this we got to using the new forms which

require the acreage to be absolutely specified. The date of execution was January 13, 1913; that was signed by Eels John and was approved on April 22, 1913.

Q. Is that to Lane?—A. That is to Lane. The next is Henry Clip; he is allottee No. 186; I can give you Eels John's number—316. The new forms put it in a different place.

Henry Clip is allottee 186, executed on the 13th of January, 1913, to A. W. Lane, 80 acres: that was signed by Clip and approved on April 22, 1913.

The next is Nellie Sotomish Johns, allottee 424, executed on the 4th day of November, 1912; and this is on the old form and does not give the acreage; it just says lots 1 and 2: that is signed by Nellie Johns and approved on December 12, 1912.

The next was by me, acting on behalf of Sampson Calhoun, a minor, allottee 129, executed on the 22d of November, approximately 80 acres, and approved on December 12, 1912.

The next is myself, acting in behalf of Edward Calhoun, allottee No. 130, for approximately 80 acres, executed on the 22d of November, 1912, and approved December 12, 1912.

The next is executed by me on behalf of Tonnia Calhoun, a minor allottee 131, executed on the 22d day of November, 1912, for 80 acres, and that was also approved on December 12, 1912.

The next is executed by me on behalf of Harris Capoean, allottee 476, executed on the 22d of November for approximately 80 acres, and approved on December 12, 1912.

The next is Oscar Johns. And this boy and I executed the lease together. He was almost 18. He was over 17, and I executed it in his behalf, and then he signed it also, inasmuch as he was so near of age. He is allottee No. 44, executed on the 7th day of November.

Q. 1912?—A. Yes; 1912; to A. W. Lane for approximately 80 acres, and that was approved on December 12, 1912.

The next is executed by me on behalf of Ellen Garfield, allottee 215. The acreage is not given here, and I don't know what it is. I presume it is approximately—here it is—48.85 acres, executed on the 22d day of November, 1912, to A. W. Lane, and approved December 12, 1912.

The next is Sarah James Underwood and George Underwood; that is another one of those where they put in the husband: allotment No. 48, executed on the 4th of November, 1912, for 73.15 acres, and that was approved on December 12, 1912.

The next is Annie Johns Chowchow, allotment No. 42, executed on the 4th day of November, 1912, for 80 acres, approved December 12, 1912, signed by her.

The next one is executed by me, acting for Nancy Sotomish, a minor, allotment No. 425, executed on the 22d day of November, 1912, for 79.97 acres, approved December 12, 1912.

The next is Lena Calhoun, allotment No. 128, executed on the 8th of November, 1912, acting for herself, for 80 acres, approved December 12, 1912. The woman signs for herself.

The next is Sallie Clip, allotment 185, executed November 4, 1912, for 80 acres; she executed this for herself, and approved December 12, 1912.

The next is John Clip, allotment No. 18, executed November 4, 1912, for 80 acres, and signed by myself and approved December 12, 1912.

Now these leases—I was under the impression—they are all made to Lane; I thought we had one or two allotted land leases to other parties, but it appears not.

Q. That is the list of individual leases that have been approved?—A. On allotted lands.

Q. Have you an individual list of leases that are pending.—A. Yes, sir.

Q. You can get that?—A. I can get that.

Q. You haven't that at hand now?—A. No; they perhaps misunderstood me; I thought perhaps it was just the approved leases.

Q. Now, do these leases require the payment of a rental to the allottee?—A. Yes, sir; just on the same terms as the tribal leases.

Q. What amount of rental has been collected on account of the individual leases?—A. I can not give you that offhand; it is 15 cents an acre.

Q. Have you a record of it?—A. Yes, sir.

Q. Will you bring your record over this afternoon?—A. Yes, sir.

Q. Have all the lessees of individual leases paid the 15 cents an acre or whatever the rental is prescribed in the leases?—A. Yes, sir; that is, I say, "Yes, sir"; my authority for that is this: One lessee, Leo D. Adams, did not pay his money to me, but incidentally in a letter received from the department, it contains the information that he paid it there, so that is just incidental—it has not been paid to me.

Q. I am coming to that in a moment. Now, do you know Mr. A. W. Lane personally?—A. Yes; I know him personally, as you meet a man who comes to your office to do business. I never knew him until he came to transact business.

Q. You never knew him until he came to get these leases?—A. Came to get his permission to prospect.

Q. Did he prospect?—A. I say yes; he told me he did. He got his permit and there was lapse of time before he executed his leases.

Q. Were there any other individuals or corporations that were desirous of obtaining individual leases who made that known?—A. Yes.

Q. Who else were they.—A. That I can not give you; but Leo D. Adams and this Mr. Lane, as I recall, have had in the money. Others have gotten permission to prospect, but never went any further.

Q. Do you remember who they are? To whom prospect permits have been issued?—A. One man's name was Merriam. His permit has not elapsed yet. He still has some time. I gave a permit to George Stone, and he elected to take all his as tribal lands, which you saw.

Q. Now, the forms of leases as to individual allotments, are they uniform; that is, have the same leases been used?—A. Yes, sir; except you will notice there are two forms. The department changed the form, but the Government form has been used in every case.

Q. Now, Mr. Leo D. Adams is one of the lessees. How many leases did he get?—A. Thirty-two, as I recall.

Q. How many of those have been approved?—A. None, as far as I have had any advice, have been approved.

Q. Did you approve any of the individual leases?—A. That is not within my province.

Q. The leases as to individual allotments are not referred to you?—A. Well, they go through me for recommendation.

Q. Well, did you make a recommendation?—A. Yes; I recommended that they be approved, because they had complied with all the required regulations, and I regarded that I had no option in the matter. My act was simply ministerial.

Q. Well, if that is true, what is the object in requiring you to make a recommendation?—A. That I don't see, except my recommendation shows they have complied with all the requirements.

Q. You recommended the Adams leases?—A. Yes; they complied with all the requirements.

Q. When were the Adams leases taken?—A. In June, as I recall it.

Q. By whom?—A. By Leo D. Adams.

Q. Himself?—A. Yes, sir.

Q. Aren't you mistaken about that?—A. He is the man who represented himself to be Leo D. Adams.

Q. Do you know Leo D. Adams himself?—A. Only as he came and introduced himself.

Q. Do you know Mr. Richard C. Adams.—A. Another gentleman came later and introduced himself as Richard C. Adams. I simply accepted it that he was what he represented himself to be.

Q. There were two Adamses here?—A. Yes, sir.

Q. What was Mr. Richard C. Adams doing?—A. I don't know.

Q. Did he have any connection with the Leo D. Adams leases?—A. Well, he sort of engineered it.

Q. Well, he was assisting Mr. Leo Adams, was he?—A. Yes, sir.

Q. Are they related?—A. Father and son, they stated to me.

Q. Leo D. Adams himself was here and his father, Richard C. Adams, was helping him to get the leases?—A. Yes, sir.

Q. And they got 32 leases written for approval by you?—A. Yes, sir.

Q. So far as you are informed at the present these Adams leases have not been approved?—A. I have had no advice of their approval.

Q. Now, were the Adams leases on the same form as the Lane leases, or did they use the last form?—A. Probably the last form, because part of the Lane leases were made—

Q. What were the material differences in the two forms used of Lane?—A. Well, the material difference was—there were two points where they differed; one was that they were more favorable to the operator in that they gave him a longer period in which to develop and another that the new regulations provided a filing fee of \$6 on each lease. However, as I stated a while ago, these new forms and new regulations came out about the time Lane's leases were up for approval, and if you will look at the back of one of them you will see if he assents to the provisions of the new regulations and paid his filing fee, so you will see that they are practically on the new form, although on the old form.

Q. You have mentioned the only differences between the old form and the new form.—A. The filing fee of \$6.

Q. You mentioned them both. The Adams leases were just the same form as the last form used by Lane?—A. Yes, sir.

Q. And the first form used by Lane he assents to the new conditions?—A. Yes, sir.

Q. Are the terms the same as to royalty?—A. Absolutely.

Q. What was the royalty provided in the tribal leases?—A. Twelve and a half per cent.

Q. It was not 10 per cent?—A. No, sir.

Q. Are you sure of that?—A. Certainly.

Q. How has the royalty been determined or fixed at $12\frac{1}{2}$ per cent?—

A. By a regulation of the department.

Q. It shall not be less than that?—A. Yes.

Q. Did you fix the royalty yourself?—A. No; it provides that it shall not be less than $12\frac{1}{2}$ per cent.

Q. So that the minimum royalty was provided in all the leases of the tribal lands?—A. Yes, sir.

Q. And the minimum royalty is $12\frac{1}{2}$ per cent?—A. Yes, sir.

Q. And the same royalty runs through all the individual leases?—

A. Yes, sir.

Q. You are looking now at some of the tribal leases?—A. Yes, sir.

Q. Let me see it. "For royalty of the $12\frac{1}{2}$ per cent of the gross proceeds of oil produced, payable at the time of sale and removal of oil from premises where produced." They all read the same in that particular?—A. All the same.

Q. Has there, in fact, been any oil development?—A. No, sir; nothing has been developed. As I stated a while ago, there is one company that has got their machinery in there.

Q. Do you know what royalties are provided for in leases off the reservation?—A. I have been told it is 10 per cent, but I have seen no leases, so it is just simply a matter of inference.

Q. Is any cash required as to leases off the reservation?—A. I have been told they do not require any cash; that there is no ground rental, as in these leases. That the owner of the land simply takes his chance with the operator; that he gets 10 per cent if they produce and nothing if they do not, but that is a matter that has just simply come to me as information I have.

Q. What is the time provided in the individual leases for development?—A. Ten years.

What is the lessee required to do during that period, providing he does not proceed to develop?—A. He pays 15 cents for the first year, 40 cents for the second—

Senator TOWNSEND. An acre?

A. Yes; an acre, ground rental; 75 cents for the third—that is the way it runs in my mind; it is set forth in the regulations—and a dollar per acre for each succeeding year.

Q. The increased rental is intended to tantalize slow development?—A. That is my idea.

Q. Have you anything to do with the extension of the period; did you make any recommendation with respect to that?—A. No, sir.

Q. As to development?—A. No, sir.

Q. Under the first leases development must proceed within a year?—A. Yes, sir.

Q. Under the second the period was extended to 10 years; do you know why that was done?—A. No, sir; that was done by the department.

Q. Is there anything in your knowledge that would make that desirable or necessary?—A. Well, take it in the case of a man that has a number of allotments leased; it is practically an impossibility—suppose he has a dozen allotments, to put down a hole on every one of those the first year; it would take an outfit that would be abnormally

expensive. Now, I am simply giving you my opinion—so it seemed to me that the reason for this extension was to give them more time to ultimately develop his holdings. I have no information from the department on that.

Q. Now, in considering the question as to whether you will recommend a lease, either a tribal lease or an individual lease—lease of an individual allotment—what circumstances are taken into consideration?—A. Principally the ability of the man to carry out his undertaking.

Q. Do you investigate that?—A. Yes; before recommending the leases.

Q. What do you do?—A. He has to produce bank references and other references that are satisfactory as to his responsibility.

Q. Now, take the case of A. W. Lane; what was shown to be his ability to develop all these leases he took?—A. That I can not answer, because the papers went in with the original lease.

Q. What was the last one approved; is that one of Lane's leases?—A. No, sir; Cauthorn—was another lessee.

Q. Now, in the case of the Adams leases, what was shown in that regard?—A. Now, there was a peculiar situation. Mr. Adams was on the reservation making leases, and I called on him as I did on every other lessee. That was an order that came out—a special order—to call on the lessees to show their financial standing. I wrote Mr. Adams a letter, as I did every other one that was negotiating leases, requesting him to come to my office and show his financial standing. Mr. Adams immediately wired the department or somebody that got action on the department that I had stopped his negotiation of the leases and did not present himself.

Now, this I gathered from a conversation with Richard C. Adams. He took the matter up with the department, and I got a telegram from the department to allow him to proceed, that he had satisfied them of his financial standing there, so in those leases I was relieved of any of that.

Q. Who was that telegram from?—A. From the Indian Office.

Q. Have you the telegram?—A. Yes, sir.

Q. Will you bring it over this afternoon?—A. Yes, sir.

Q. You signed some of these Lane leases representing minors?—A. Yes, sir.

Q. What did you learn as to his ability to develop under his leases?—A. Now, I can not give you that in detail, because the communications were forwarded with the leases and were retained by the department.

Q. You have no memorandum or recollection about that?—A. No; only that the recommendations seemed satisfactory.

Q. Make a memorandum and get the letter from the department approving the Lane tribal lease or a copy of your letter to the department when you submitted the lease. Now, will you bring your record of the collections which you have made on account of these leases and the distribution which you made of the collections? Bring that over, too.—A. Yes.

Q. Have you got your land sales recorded?—A. I have the liability cards, which shows the transactions.

Q. Can you have a statement made up of that which shows a statement of it in statement forms, so it won't take so much time?—A. Yes, sir; I think so. My land sales have not amounted to very large transactions.

Q. Have your clerk make up a complete statement of that and bring it over with you, together with the record itself, so we can save a little time on that account. Have you any interest in the subject matter of these leases, either tribal or individual?—A. Absolutely none.

Q. Have any inducements been received by you or offered to you by any of the parties taking these leases to make recommendations concerning them?—A. No, sir.

Q. Do you know anything about the organization of stock companies for the sale of oil stock on the reservation?—A. Nothing definite.

Q. Do you know of anyone attempting to organize companies for that purpose?—A. The only information I have was what was given by Leo O. Adams to my assistant superintendent. He told him that he expected—he thought he had money enough to carry this thing until he could organize companies to finance it.

Q. Do you know whether Mr. Lane or any of the lessees of the tribal leases have attempted to organize stock companies?—A. I do not. I understand that Mr. Lane took in as a partner the man who is now conducting his development operations, but that is simply a matter of hearsay.

Q. Who is that, do you know?—A. His name is J. N. Paulhamus. (A recess was here taken until 1.30 o'clock p. m.)

(1.30 p. m. Hearing convened pursuant to adjournment, parties present as before, and the following proceedings were had, to wit:)

Mr. JOHNSON. I made a misstatement about the Cauthorn lease. They gave it to me just as I started, and I find it is marked "Disapproved" instead of "Approved." I furnish herewith as a part of my testimony a statement of the tribal leases showing that have been approved and that have not yet been approved, with other information in connection therewith.

(Said statement was marked "Exhibit 7," and was as follows:)

Tribal Leases.

APPROVED.

Name of lessee.	Address.	Acreage.	Date of approval.	Amount paid.	
				Date.	Amount.
A. W. Lane.....	Seattle, Wash.....	2,840.00	Apr. 15, 1913	June 9, 1913	\$426.00
Geo. F. Stone.....	do.....	4,800.00	do.....	May 14, 1913	720.00
Stirling B. Hill.....	do.....	2,529.12	Sept. 8, 1913	Sept. 3, 1913	379.37
F. A. Leonard.....	Shohomish, Wash.....	4,556.62	do.....	Aug. 8, 1913	683.49

DISAPPROVED.

B. F. Cauthorn.....	Aberdeen, Wash.....	4,793.86	¹ Sept. 17, 1913	Aug. 11, 1911	\$719.08
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¹ Date of disapproval.

Tribal leases pending.

Name of lessee.	Address.	Acreage.	Amount paid.	
			Date.	Amount.
Guy E. Wells.....	New York City.....	4,398.75	Aug. 25, 1913	\$659.81
Climie E. Hill.....	Seattle, Wash.....	3,280.00	Sept. 3, 1913	492.00
E. P. Crary.....	Aberdeen, Wash.....	4,640.00	Sept. 17, 1913	696.00
A. P. Stockwell.....	do.....	4,800.00	do.....	720.00
Chas. McIntyre.....	Copalis, Wash.....	4,240.00	do.....	636.00
G. R. Snider.....	Aberdeen, Wash.....	4,655.30	do.....	698.30
S. M. Anderson.....	do.....	4,792.75	do.....	718.91
C. T. Scurry.....	do.....	4,760.00	Sept. 18, 1913	714.00

I also attach as a part of my testimony a statement of the allotted leases that have been approved, together with other information concerning the same, and make it a part of my testimony.

(Said statement was marked "Exhibit 8," and was as follows:)

Allotted leases approved.

No. of lease.	Name of lessor.	Allotment No.	Acres.	Name of lessee.	Date of approval.	Amount paid.		
						Filing fee.		Rentals.
						Date.	Amount.	
1	John Clip.....	18	80.00	A. W. Lane.....	Dec. 12, 1912	Jan. 25, 1913	\$6.00	\$12.00
2	John Wakatup.....	442	80.00	do.....	do.....	do.....	6.00	12.00
3	Alice Jackson.....	39	79.90	do.....	do.....	do.....	6.00	11.99
4	Sallie Clip.....	185	80.00	do.....	do.....	do.....	6.00	12.00
5	Lena Calhoun.....	128	80.00	do.....	do.....	do.....	6.00	12.00
6	Nancy Sotomish, minor.....	425	79.97	do.....	do.....	do.....	6.00	12.00
7	Annie Johns Chow Chow.....	42	80.00	do.....	do.....	do.....	6.00	12.00
8	Samuel Hob.....	265	60.60	do.....	do.....	do.....	6.00	9.69
9	Sarah James Underwood.....	48	73.15	do.....	do.....	do.....	6.00	10.97
10	Ellen Garfield, minor.....	215	48.85	do.....	do.....	do.....	6.00	7.33
11	Oscar Johns, minor.....	44	71.35	do.....	do.....	do.....	6.00	10.70
12	Harris Capoeiman, minor.....	476	79.89	do.....	do.....	do.....	6.00	11.98
13	Tonnia Calhoun, minor.....	131	80.00	do.....	do.....	do.....	6.00	12.00
14	Edward Calhoun, minor.....	130	80.00	do.....	do.....	do.....	6.00	12.00
15	Sampson Calhoun, minor.....	129	80.00	do.....	do.....	do.....	6.00	12.00
16	Nellie Sotomish Johns.....	424	51.60	do.....	do.....	do.....	6.00	7.74
17	Henry Clip.....	186	80.00	do.....	Apr. 22, 1913	June 9, 1913	6.00	12.00
18	Eels John.....	316	80.00	do.....	do.....	June 24, 1913	6.00	12.00

Also a list of allotted leases that have not been approved, with information in connection therewith.

(Said statement was marked "Exhibit 9," and was as follows:)

Allotted leases—not approved—pending.

No. of lease.	Name of lessor.	Allotment No.	Number of acres.	Name of lessee.	Amount paid—Filing fee. ¹	
					Date.	Amount.
19	William Mason.....	349	86.54	Leo D. Adams....	Apr. 21, 1913	\$6.00
20	Amy Mason.....	350	86.59	.....do.....	.....do.....	6.00
21	James Jackson.....	38	73.75	.....do.....	June 5, 1913	6.00
22	James J. Chow Chow.....	12	77.10	.....do.....	.....do.....	6.00
23	Ellen Chow Chow.....	13	82.80	.....do.....	.....do.....	6.00
24	Peter Chequellish.....	176	80.00	.....do.....	.....do.....	6.00
25	Nellie Chow Chow.....	16	76.60	.....do.....	.....do.....	6.00
26	Quin Sam.....	84	80.00	.....do.....	.....do.....	6.00
27	Sally Hoh William.....	467	75.75	.....do.....	.....do.....	6.00
28	Agnes Sharp.....	411	80.00	.....do.....	.....do.....	6.00
29	George Underwood.....	86	89.30	.....do.....	.....do.....	6.00
30	Pansy Yakima.....	468	18.00	.....do.....	.....do.....	6.00
31	Mary Strom.....	76	78.25	.....do.....	.....do.....	6.00
32	James Sly (Circus Jimmy).....	416	80.00	.....do.....	.....do.....	6.00
33	Sarah Solomish.....	74	80.00	.....do.....	.....do.....	6.00
34	Jack or John Mason.....	351	80.00	.....do.....	.....do.....	6.00
35	Hays Otook.....	54	80.00	.....do.....	.....do.....	6.00
36	Mrs. Tyceeman.....	90	80.00	.....do.....	.....do.....	6.00
37	Mary Otook.....	53	72.08	.....do.....	.....do.....	6.00
38	Captain or Chas. Mason.....	46	77.15	.....do.....	.....do.....	6.00
39	Richard Sharp.....	409	84.15	.....do.....	.....do.....	6.00
40	Henry Martin.....	339	76.90	.....do.....	.....do.....	6.00
41	Julia Hawk.....	258	80.00	.....do.....	.....do.....	6.00
42	Amos or John Dickerson.....	19	78.05	.....do.....	.....do.....	6.00
43	Charles Strom.....	427	80.15	.....do.....	.....do.....	6.00
44	Silas Hall.....	21	73.25	.....do.....	.....do.....	6.00
45	Luey Hall.....	22	92.90	.....do.....	.....do.....	6.00
46	Samuel Hoh.....	265	66.10	.....do.....	.....do.....	6.00
47	John Otook.....	52	79.21	.....do.....	.....do.....	6.00
48	George Hyasman.....	32	84.30	.....do.....	.....do.....	6.00
49	Deaf George.....	224	84.10	.....do.....	June 10, 1913	6.00
50	Fatty or Paddy George.....	223	68.60	.....do.....	.....do.....	6.00

¹ John G. Dudley, Bond Building, Washington, D. C., acting as attorney for Leo D. Adams, wrote me on Sept. 13, 1913, stating that he has transmitted to the Indian Office a certified check for \$366.45 on July 26, 1913, covering rental on these leases. This information was verified in carbon of a letter from the Second assistant commissioner, Sept. 20, 1913, addressed to Hon. Wesley L. Jones, United States Senate.

In reference to the Lane leases and the financial standing of Lane, those leases were sent in before any requirement was made in that connection, and that matter was determined, I presume, by the department direct. I can not find the record of the letter from me to Mr. Roscovius, directing him to give notice of the council to be held to consider the matter of authorizing me to sign tribal leases held in November, 1912.

By Representative BURKE:

Q. Mr. Johnson, our attention has been called to the case of an old Indian woman whose land was said to have been sold under the noncompetent act. Can you tell us who the woman is and whether her land was sold?—A. The noncompetent act, or what the facts are in connection with the matter. Sallie Hoh William is the widow of Hoh William; Hoh William was an Indian policeman that was murdered, I think, in February, 1910 or 1911, I have forgotten which—what is the date of that? That might refresh my memory. It was in February, but the year I am not so sure of; it must have been in 1909, because this is dated 1910. There were two policemen murdered one night, and Hoh William was one of them. His death

left her absolutely destitute. She had no family, no children, nor anyone to support her, and she applied to me to sell the land of her husband—the allotment of her husband—under the act providing for the sale of inherited land.

Q. When was that, if you remember?—A. That was sometime in 1910.

Q. That she applied to you?—A. Yes.

Q. To sell the land?—A. Yes.

Q. Now, what did you do with the matter, and what transpired following her request?—A. I advertised the land, as provided in the regulations—appraised it.

Q. What was the land appraised at?—A. The appraisement was \$2,100.

Q. By whom was it made?—A. By me.

Q. And then you advertised it?—A. I advertised it for sealed bids, and in response to the advertisement there was only one bid.

Q. Who was the bid from?—A. His name was Harry C. Heermann.

Q. At what price?—A. \$2,153.89.

Q. Was the land sold at that price?—A. Yes, sir.

Q. How old is this woman?—A. I should say she is about 65.

Q. Was there anything said to you at any time in relation to somebody by the name of E. R. Smith & Co. wanting to buy this land, and they would be willing to pay \$8,000 for it?—A. No, sir.

Q. When was the sale consummated and completed?—A. It was submitted to the department under date of November 7, 1910.

Q. When was it approved?—A. That I have not a record of.

Q. What disposition was made of the proceeds?—A. It was deposited in the depository for individual Indian money.

Q. How has it been paid to her, if at all?—A. She has been getting \$20 a month regularly and I have paid her other sums at various times; just what, I do not remember; I have paid her, it runs in my mind, something like \$200 at one time to complete her house, which was partially built; then at another time I issued a check to her to buy a horse, and there may have been other special payments; I don't remember.

Q. Now, is there any other aged woman other than the one whom you have just testified about whose land has been sold up there?—A. Not on the Quinaielt. There has only been two land sales on the Quinaielt; the other sale—the sale other than this was a portion of an allotment of a man deceased.

Q. We were informed that this woman or some woman made an affidavit, in which she said she was 80 years of age, and my understanding was that she submitted her trust patent, which showed that at the time she was allotted she was 76 years of age, and that she applied to have her land sold under the noncompetent act, and it sold for \$3,200.—A. That is a mistake.

Q. And that she had been getting \$20 a month, but they did not know the name of the woman—could not remember the name—and we were trying to ascertain what the facts were in regard to the case.—A. That is a mistake, because this sale and the other one I mentioned are the only two that have been made on the Quinaielt.

Q. Do you know who E. R. Smith is?—A. No; I do not.

Q. Under the law providing for the sale of deceased Indian lands, how long are the lands advertised?—A. Sixty days.

Q. And the bids are submitted by sealed bids?—A. By sealed bids, accompanied by a check for 25 per cent.

Q. At the time of this sale, was it or was it not the practice of the department to keep the information as to the appraised valuation secret?—A. It was kept secret at that time.

Q. And the land sold for how much above the appraised value?—A. The appraised valuation was \$2,100 and the land sold for \$2,315.89.

The CHAIRMAN. You were asked to furnish a statement of the moneys you have collected on account of the rentals under these leases; have you got that?

A. That is all tabulated in that, lease by lease.

Q. The statements which you have furnished in that connection cover all of the accounts?—A. All leases. Now, in the matter of this sale of land, I would add that there were about 20 tracts advertised at the same time this was; this one and the other one I mentioned were the only ones of 20 that brought—that the bids reached the appraised valuation.

Representative BURKE. Have you anything there in your memorandum to indicate whether this \$20 had been paid regularly or whether there were two or three payments withheld and then made all at one time?—A. That is quite possible, although I can not say definitely, because of securing authority; you see, I have to have authority to approve the checks, and that has to come from year to year, and sometimes there is a lapse—a delay in getting the new authority, and when there is the payments that are due are paid at one time.

Senator TOWNSEND. Don't you remember, she said she had a purchaser, and she could get a thousand dollars down and a thousand dollars a year thereafter until it was paid for?

A. No, sir.

The CHAIRMAN. Have you any further statement you want to make, Mr. Johnson?

A. Why, I don't know as I have, except this: In the matter of the oil leases, knowing through hearsay of the immense trouble, and I presume you might say scandals, that grew out of the leasings in the Oklahoma fields, when I went into this I meant to be absolutely careful, and have everything so that there could be absolutely no question as to any act in connection with the leasing.

Representative BURKE. There was one thing I wanted to ask you that I overlooked in relation to this 48 acres claimed by the Garfield family; do you know whether or not that is the land included within the Ellen Garfield lease that was made by you?

A. Yes, sir.

Q. And that allotment which was made, as I understand it, by the allotting agent to Ellen Garfield has not yet been approved?—A. That is my understanding that it has not yet been approved.

Q. But the well they are about to put down is not on that land?—

A. That I can not say; Garfield claims it is.

Q. The allotting agent said it was, and the farmer also did?—A. The allotting agent ought to be better authority than I am.

Q. Is the lessee in that lease the one who is about to put that well down?—A. Yes.

Senator TOWNSEND. I did not understand that. Has Ellen Garfield—has her land been leased?

Representative BURKE. He leased it; it was among those he testified about to-day; he made the lease for it as the allottee was a minor.

Q. And in that connection, Mr. Johnson, does the department expect the superintendent to consult the parents of a minor in a case of that kind?—A. I could not so read the regulations then; they have been amended since so that the lands of minors must be advertised for bids now.

Q. What about the making of the lease; does the father have to be considered?—A. No; I have the lease regulations here.

Q. Don't you think it would be really better practice in a case, especially where a parent is reasonably intelligent, and in a case, for instance, like Garfield, that it would be more satisfactory if they were consulted?—A. Yes; I believe it would. Now, here is what the regulations say on that point: "The superintendent or other officer in charge of the reservation may act for minors in all lease matters and also for allottees who are non compos mentis," and I considered that, that that gave me the right to act; and the question always comes up as to traveling expenses; my traveling-expense allowance is small, and I have to husband my trips.

Q. I don't wish to be understood as saying that the consent ought to be obtained, but I do think the parent ought to be consulted.—A. I agree with you there.

Q. Because it is the duty of the superintendent, of course, to see that the property of minor Indians is leased, if it can be leased for the benefit of the minor?—A. Yes.

Q. And the parent might be obstinate and decline to have a lease made and it would be the duty of the Government, I think, in a case of that kind to make the lease?—A. Yes.

Q. In the matter of allotment, the Indian is allowed to select his allotment?—A. Yes, sir.

Q. And if he refuses to select, the allotment is made arbitrarily, and I think that it is the better practice for him to be consulted.—A. There is another thing: In the matter of Sallie Hoh Williams's allotment, the basis of my appraisalment in that report, you will see I put a valuation on the timber, and I hunted up this afternoon my timber cruiser's book, which is reports on the allotment, and in that he reports there is 400 feet of spruce; that in this county is the last timber they cut.

Q. Now, for instance, this land of Sallie Hoh—the—A. The husband of Sallie Hoh.

Q. The land belonged to her?—A. By inheritance.

Q. Do you think that land would have sold for as much by selling the timber and withholding the land?—A. No, I do not; I will tell you the conditions of that sale; that is, why it was purchased; it was purchased by some parties with the expectation of making it a summer-hotel ground; it is right on the beach, and being beach property is what gave it its value. The land within itself is of very little value. Here is the note that the cruiser made on it: "Quite hilly; not good for farming except a few acres in the northeast corner of

the southeast quarter of the southwest quarter of 18; this 80 acres is in two sections." That is the timber cruiser's report. When I advertised this land I got the authority to hire a timber cruiser to cruise the timber on all these pieces that were advertised. You asked me for a tabulated statement for all my land sales. Here it is, giving the allottee, whether it is an allotment or homestead certificate; the acreage, the date of sale, amount, date of approval, and the amount of appraisement.

Q. This statement embraces all the land sales that have been made in your administration, does it?—A. Yes, sir.

(Said statement was marked "Exhibit 10," and was as follows:)

Record of sales of allotted lands and Indian homesteads, Cushman School, Washington.

Owner.	Allotment No.	Description.	Acres.	Date of sale.	Amount.	Date of approval.	Appraisal.
Oyo.....		W. $\frac{1}{2}$ NW. $\frac{1}{4}$ sec. 2, T. 17 N., R. 10 W., W. M., Wn.	80.00	Oct. 2, 1908	\$11,102.00	Jan. 30, 1909	\$8,000.00
James Foster.....		Lot 2, sec. 33, lot 1, sec. 34, T. 25 N., R. 1 E., W. M., Wash.	38.35	Oct. 18, 1909	5,512.00	Feb. 17, 1910	3,825.00
Texas Pete.....		Lot 1, NE. $\frac{1}{4}$ sec. 36, T. 16 N., R. 5 W., W. M., SE. $\frac{1}{4}$ of SW. $\frac{1}{4}$ sec. 18, and lot 1, sec. 19, T. 21 N., R. 12 W., W. M., Wash.	40.00	May 2, 1910	2,508.00	Sept. 29, 1910	2,500.00
Sally Hoh William, sole heir.....		Quinnick, No. 466.....	72.05	Nov. 1, 1910	2,315.89	June 10, 1911	2,100.00
Henry Harlow.....		Quinnick, No. 111.....	22.10	Oct. 3, 1910	200.00	Feb. 24, 1911	99.45
Cap Carson.....		W. M., Wn.	38.95	May 9, 1912	1,947.50	Aug. 28, 1912	1,947.50
Do.....		NE. $\frac{1}{4}$ of NE. $\frac{1}{4}$ sec. 5, T. 15 N., R. 4 W., W. M., Wash.	39.05	.....do.....	1,952.50	.....do.....	1,952.50
Sam Smith.....		NE. $\frac{1}{4}$ of NW. $\frac{1}{4}$ sec. 5, T. 15 N., R. 4 W., W. M., Wash.	70.95	.....do.....	1,800.00	Mar. 5, 1913	1,600.00
Jake Ben.....		N. $\frac{1}{2}$ of NE. $\frac{1}{4}$ sec. 2, T. 15 N., R. 4 W., W. M., Part of lot 4, and SW. $\frac{1}{2}$ of SW. $\frac{1}{4}$ sec. 23, T. 16 N., R. 4 W., W. M., Wn.	10.00	Oct. 3, 1910	200.00	Aug. 10, 1912	200.00
George Leslie, heir.....		NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ and SW. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 20, T. 21 N., R. 5 E., W. M., Wash.	80.00	Feb. 20, 1913	8,104.00	Approval pending.	7,000.00
William Nason, Colbert Nason, Nellie E. Reynolds, Chas. A. Reynolds, heirs.....		Lot 1, sec. 2, T. 20 N., R. 5 E., W. M., Wash.	35.40	.....do.....	2,000.00	.....do.....	2,000.00

1 Private sale.

A. (continued). Now, here are some more letters you asked me for copies. Here is this letter directing me to hold a council to ascertain whether the tribe wanted to lease their lands. There is the letter of August 26, 1910, and one of July 27; I see they made that in duplicate, pertaining to the same matter.

Q. Have you copies of some letters there that I called for written by you to the department in answer—A. That is part of them, and part of them I gave to the reporter a few moments ago.

Now, I stated this morning that Mr. Adams had paid his lease money in Washington. Now, you did not ask for this, but this is a copy of a letter which I got—a carbon copy that was written to one of the prospective leasees by Senator Jones, and in this it says: "The first year's rental had been paid on all leases submitted to the office, except the case of Neal C. Hawley and Leo D. Adams. Mr. Adams has paid the rental direct to this office."

That is the only information I have that the rental was paid to anybody, and it is so noted in the tabulated statement.

Q. You can not authenticate it at all?—A. It is a copy of a carbon that the Indian Office sent me—that they wrote to Senator Jones.

(Said letter was marked "Exhibit 11," and was as follows:)

SEPTEMBER 20, 1913.

MY DEAR SENATOR: The office has considered the letter of Mr. A. P. Stockwell, of Aberdeen, Wash. (addressed to you), and certain correspondence submitted therewith regarding his lease for mineral lands on the Quinalt Reservation, which is now pending action by this office. The correspondence shows that when Mr. Stockwell was called upon for the payment of the first year's rental he expressed the opinion that this payment should be waived. In his letter to the superintendent at Cushman Mr. Stockwell says that the department should extend the time of this payment until after the first of the year.

The regulations require that the rental be "paid in advance," and the superintendent has been so instructed to collect all such rentals before submitting the lease for consideration. In the case of Mr. Stockwell and a number of others who were delinquent in the payment of rental, the office wired the superintendent on September 6 to notify immediately all delinquent lessees that leases would not be considered until rental for current year had been paid. He was further advised that if the rental was not paid within 10 days after notice the leases would be disapproved. The office is to-day in receipt of a telegram advising that the first year's rental had been paid on all leases submitted to the office except in the case of Neal C. Hawley and Leo D. Adams. Mr. Adams has paid the rental direct to this office.

The subject of mineral leasing on the Quinalt Reservation was given careful consideration and it was decided to approve several leases where the papers were regular in every way, the financial statement satisfactory, the rental paid, and some reason apparent that early development would follow approval. You have been previously advised as to the leases so far approved. You are now advised that all pending leases will be taken up and disposed of without delay.

The paper submitted by you are returned herewith.

Very truly, yours,

C. F. HAUKE,

Second Assistant Commissioner.

HON. WESLEY L. JONES,
United States Senate.

By Representative BURKE:

Q. Mr. Johnson, do any of these leasees make these leases on condition that they must have a certain amount of land leased before they will begin operation?—A. No, sir.

Q. Then if all of the leases that have been approved should be disapproved you don't think it would have any effect on these leases that have been approved?—A. Well, only this effect: That being an untried field everybody is interested in having as many developers go in it as can be because development will be very expensive. There is no one corporation, probably, unless it might be the Standard Oil, that could stand the expense of thoroughly prospecting the reservation. But with quite a number of leases, each one prospecting, one of them might demonstrate whether there was oil and encourage the others to keep on.

Q. Yes; but if somebody is about to prospect, won't the others wait to see what he gets?—A. Yes; I think they will, which throws the burden on that man.

Q. Do you think there is oil down there?—A. I have nothing really to base an opinion on. There is oil, there is no question about that but whether it is there in commercial quantities I have nothing to base an opinion on. They have found oil in a seepage north of the reservation and the company is there now drilling. They are down about 500 feet, I have understood. That is, outside of reservation lands; they have got some very high grade oil out of a seep. I don't know how much they have got; I have seen two or three hundred gallons, but whether they will strike oil there or anywhere else in the Northwest in paying quantities is problematical, and oil has never been discovered in paying quantities in the State of Washington so far as I know up to the present time.

By Senator TOWNSEND:

Q. Are you familiar with the Cacoeman case?—A. Yes, sir.

Q. He has a wife and seven children, I believe?—A. He has quite a number of children.

Q. He testified here to-day that his wife is dying with consumption; that she is now in some sanitarium or hospital somewhere; and that he has been asking to sell his wife's property—her allotment—for the purpose of paying expenses of her sickness—caring for her?—A. Just let me interrupt there. It is the land of a deceased child he is asking to sell.

Q. You are right about that.

Representative BURKE. He has only made application to sell one.

By Senator TOWNSEND:

Q. What have you to say about that?—A. In February last I held a hearing to determine the heirs of those two children, along with a large number of cases, and at the time that I took the testimony the woman was there. I saw that she was pretty far gone with tuberculosis and I took their application to sell at the time I held the hearing, and, with a large number of cases, it was the 15th of April before I got this case worked up and forwarded it to the department. I attached their request—their application to sell—to the hearing and in my report I asked them to take special action and called their attention to the statement of Mr. and Mrs. Cacoeman as to why they wanted the sale made. There was absolutely no reply to that until, I think, it was about four weeks ago I got a telegram telling me that this woman was in Aberdeen with tuberculosis and instructing me to take steps that day to have her examined and make a report.

Well, I started the machinery in motion. When I received the telegram I was just leaving for Port Angeles to assess damages on railroad right of way. The date was set and the parties would be there and I simply had to go. I started the machinery in motion and was gone two days, and when I got back they had the report—that is, the report was that she had gone to Portland. Well, it took me two or three days to locate her in Portland and I got another telegram, very insistent, asking me to reply as to what I had done in the matter, and I answered, telling them what I had done; that I had located the woman and was leaving for Portland that night to make further investigation, and in this telegram called their attention to my letter of April 15 in the matter of the application of Mr. and Mrs. Cacoeman for the sale of this child's allotment.

I went to Portland and found the doctors that were treating her and they told me that there was absolutely no hope of her recovery. They say, "She has tuberculosis of the throat, lungs, and the bowels and it is just a question of time, six months at the outside," and they said, "We can not admit her to our regular sanatorium, but we have placed her in another sanatorium that makes a specialty of caring for these hopeless cases while they last."

In my report on this land I expressed the opinion that the land would not bring what Cacoeman did value it at.

Q. That is your report of April?—A. Yes; but I stated that the people were insistent that it be advertised at this appraisement and I therefore recommend that I be authorized to advertise it. After I visited the doctors and went to the sanatorium I had a talk with Mrs. Cacoeman; I told her I did not believe the land would sell for that amount of money and asked her if she would accept something else, and she said, "Yes; if you can get authority to sell it, sell it for whatever you think it is worth, so my husband can come and see me occasionally and my children can come and see me."

I returned to Tacoma and wired the department immediately that I had found the woman; that her case was hopeless and asked for authority to sell this land at private sale for any reasonable offer the heirs would accept. They wired me that they had ordered Forest Supervisor Dunston to go to the reservation and make a cruise of the allotment, and in the meantime nothing would be done regarding the sale. Supervisor Dunston has not reported yet and that is the status of that case except with this addition: I asked the doctors in Portland—they are quite noted specialists I learned on investigation—I said, "If this woman could have had attention five or six months ago, what would have been her chance?" They said, "She would have had a very fair chance for recovery."

Representative BURKE. Do you know whether that matter of the heirship has been determined?

A. I have not been advised as to that.

Q. There is a great delay of cases and unless it was made special it would not be determined before this time?—A. In my report I asked that it be made special; perhaps they have not read the report. This case I pointed out is another one—the man was dying of tuberculosis; the land was advertised; there was only one bidder, but he bid a thousand dollars or perhaps eleven hundred above the appraisement, which appeared to be evidence that he thought he was going to have competition. The appraisement was published. I

have personally stood good with the merchants in the town near this reservation for the past four months for food and clothing for this man.

Q. What is the name of that Indian?—A. George Leslie, I think it is; those cases have been before them for a long time; they were cases where the Indians had to give deeds; they were lands that were allotted under what we commonly term a sixth article of the Omaha treaty, which are patented in fee with restrictions in alienation. I executed the deeds and told the department I had them and they sent for them and then they sent back and expressed the opinion that they could not approve those deeds and asked me to see if the purchasers would make it a cash transaction; I consulted the purchasers and they said, "We don't feel like making it a cash transaction; we would not have bid as much on a cash basis"; then I took up and argued the case with the department; they said they did not see anything to protect the Indian. I argued it to them this way: That the purchaser until he made his final payment, until he had made his final payment, had absolutely no title to the land; he had simply a contract of sale, but that deed was taken and held in escrow by me simply to protect the purchaser in the case of the Indian's death, and in case somebody would persuade the Indian to go back on their trade when the payments were pretty well completed. That if the purchaser did not come through with his payments all it meant was simply the destruction of that deed and the Indian would have his initial payment and the purchaser have nothing. I could not see the logic of their contention that the Indian was not properly protected.

The other case I spoke of is an heirship case; there is a boy involved in that that is dying of tuberculosis, only 10 or 12 years old. I had my school physician go out and make an examination of him when I heard he was sick; he contracted it this summer; he was in our school last year and went home perfectly well, and the old people he lives with—he has neither father nor mother—said he began to get sick in August, and I have written them another letter to the department urging them to approve this deed so we can use a share of this money to look after the boy while he still lives.

Q. What is the name of that case?—A. It is the Annie Mason allotment.

Right along that line we have a large number of those cases that ought to have attention. I have one on my desk now where a man has tuberculosis, holding it for this timber cruiser, hoping he would show up any day, hoping I could get a cruise of the timber and then make an intelligent recommendation as to the value of the land. As I say, this was three or four weeks ago, and he has not shown up yet. He is on the Tulalip Reservation at the present time.

(Telegram from Acting Commissioner Abbott with reference to Leo D. Adams leases, marked "Exhibit 12," and was as follows:)

(Letters of March 29, 1913, January 31, 1911, and June 28, 1910, were furnished by witness and were as follows, marked "Exhibit 13":)

(Letter of November 7, 1910, furnished by witness with reference to sale of land of Hoh William, deceased, petition of Sallie Hoh William, marked "Exhibit 14," and was as follows:)

(Witness excused.)

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN SERVICE.

CUSHMAN INDIAN SCHOOL.

Tacoma, Wash., November 7, 1910.

The honorable COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: I have the honor to forward the following data in connection with the sale of lot No. 1, section 19, and the southeast $\frac{1}{4}$ southeast $\frac{1}{4}$ of section 18, township 21 north, range 12 west of W. M., containing 72.05 acres, being the allotment of Hoh William, a deceased Indian of the Quinalt Tribe under my charge; the sale authorized under the act approved October 4, 1902, and as authorized by section 7 of the act of May 27, 1902.

(2) The description of the land, as shown in the application, is the same as that shown by the schedule of Indian allotments on file in my office, viz: Lot No. 1, section 19, and the southeast $\frac{1}{4}$ southeast $\frac{1}{4}$ of section 18, township 21 north, range 12 west of W. M., containing 72.05 acres.

(3) The trust patent, No. 43789, allotment No. 466, was issued January 28, 1909, under the act of May 8, 1906.

(4) The appraised value of the land covered by this petition is \$2,100.

(5) The timber on this land has a market value of \$300, and I estimate the land to be worth \$1,800 without the timber. The land is of but little value for agricultural purposes, but being located on a good beach I consider it worth \$1,800 as water-front property.

(6) This land is not leased.

(7) Only one bid was received: Harry C. Heermans, Hoquiam, Wash., \$2,315.89.

(8) I am unable to state why there was no competition. Evidently only one person was interested in the land.

(9)

(10) This land is $4\frac{1}{2}$ miles from a town.

(11) This land is $4\frac{1}{2}$ miles from a railroad.

(12)

(13) The purchaser has been notified that the deed will contain the provision for the right of way for Government ditches and canals across the land.

(14) The consideration price has been paid in full.

(15) The money is deposited with the First National Bank, Hoquiam, Wash.

(16) There is only one heir, Sally Hoh William; age, 35; relationship, wife; entitled to all the proceeds of the sale.

(17)

(18) There is no question as to the lawful heir.

(19) The heir is not competent to transact ordinary business.

(20) The heir who signs the deed has an allotment of her own containing 75.75 acres.

(21) The sale has been made in accordance with the rules.

(22) I recommend the approval of the sale, and that a deed in fee be given to the purchaser, Mr. Harry C. Heermans.

The following papers pertaining to the sale are inclosed:

Exhibit No. 1: Petition of Sally Hoh William, for sale of land of Hoh William, deceased.

Exhibit No. 2: Trust patent of Hoh William.

Exhibit No. 3: Accepted bid of Harry C. Heermans.

Exhibit No. 4: Appraisement.

Exhibit No. 5: Copy of advertisement.

Exhibit No. 6: Acceptance of sale.

Exhibit No. 7: Grantee's statement.

Exhibit No. 8: Grantor's statement.

Exhibit No. 9: Certificate relative to explanation to the grantor.

Exhibit No. 10: Agent's report of sale.

Very respectfully,

H. H. JOHNSON,

Superintendent and Special Disbursing Agent.

CUSHMAN INDIAN SCHOOL,
Tacoma, Wash., March 29, 1913.

The honorable COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: I have the honor to inclose herewith oil leases in quintuplicate as follows:

Lessor, H. H. Johnson, for and on behalf of the Quinaielt Indians; lessee, A. W. Lane; acres, 2,840.

Lessor, H. H. Johnson, for and on behalf of the Quinaielt Indians; lessee, George F. Stone, acres, 4,800.

The council proceedings of the Quinaielt Tribe of July 20, 1910, permitting leasing of Indian lands for mining purposes, and of November 4, 1912, authorizing the superintendent of the Cushman Agency to sign leases for and on behalf of the tribe, have been reduced to writing and copies thereof are attached to each lease.

I respectfully recommend that these leases be approved.

Very respectfully,

H. H. JOHNSON,
Superintendent and Special Disbursing Agent.

WASHINGTON, January 31, 1911.

Mr. H. H. JOHNSON,

Superintendent Cushman Indian School, Tacoma, Wash.

SIR: The office has received your letter of January 18, 1911, forwarding the application of Alton Wayland Lane, of Seattle, Wash., for permission to negotiate leases on both allotted and tribal lands of the Quinaielt Reservation.

The applications have this day been approved, and a copy of each is sent you herewith. You will, therefore, permit Mr. Lane to prospect on the land and to negotiate with the Indians for leases.

Respectfully,

F. H. ABBOTT, Assistant Commissioner.

CUSHMAN INDIAN SCHOOL,
Tacoma, Wash., June 28, 1910.

The honorable COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: I have the honor to hand you herewith a letter from Maurice D. Leehey, of Seattle, Wash., requesting permission for a client of his to prospect for oil on the Quinaielt Reservation, with the view of making a lease. Mr. Leehey sets forth that there are not sufficient indications of oil to warrant the making of a lease without further investigation. So far as I know there are no producing oil wells in western Washington.

I have no recommendation to make in this matter further than to say that if not inconsistent with the law and departmental regulations, it might be advisable to allow this party to do some prospecting to determine upon a tract for lease.

Very respectfully,

H. H. JOHNSON,
Superintendent and Special Disbursing Agent.

WASHINGTON, D. C., May 13, 1913.

JOHNSON, Superintendent, Tacoma, Wash.:

Leo D. Adams wires you refuse to forward oil and gas leases taken by him on account insufficient financial showing. Report facts, and if papers in proper form forward for consideration of office with your recommendation. Financial showing can then be determined here.

ABBOTT, Acting Commissioner.

STATEMENT OF DAVID GUTHERIE, A STUDENT AT CUSHMAN SCHOOL, TACOMA, WASH.

David Gutherie, being first duly sworn by the chairman, testified as follows:

Examination by the CHAIRMAN:

Q. You are a student at the Cushman School, I believe?—A. Yes, sir.

Q. Where are you from?—A. I am from southeastern Alaska.

Q. Were you born there?—A. Yes, sir; I was born there.

Q. Are you a full blood?—A. Full blood.

Q. What tribe?—A. Tumsean Methakatka Indians.

Q. What is your age?—A. I am 22 last March 2.

Q. How long have you been in Cushman School?—A. Two years now; I am going on my third year.

Q. Where did you study before you came to Cushman?—A. I went to Carlisle in 1903 and I stayed there four years. Of course I was small then; I went there when I was about 9—between 9 and 10—and I went up as far as the fifth grade, I guess; and I was called home and I had to go home. From that time on to 1907 I did not go to school at all; I had to get away from home and come down here to go to school again, so I come down here two years ago; of course, I started in Cushman then.

Q. What are you studying at Cushman particularly?—A. I am taking up my trade.

Q. What is that?—A. Cabinetmaker.

Q. When did you first begin to study that trade?—A. A year ago last September.

Q. Did you ever study it before you came to Cushman?—A. No, sir; I never did.

Q. Under whose instruction have you studied at Cushman?—A. Under Mr. Henning.

Q. When did you first learn to speak English?—A. Well, the time I went to Carlisle.

Q. Could you speak English then?—A. No, sir.

Q. You learned it at Carlisle?—A. I learned it at Carlisle.

Q. During the time that you have been in Cushman School have you studied—taken academic studies? Have you studied anything else besides cabinetmaking?—A. No, sir; just that.

Q. You confine your studies to that subject?—A. Yes, sir.

Q. Do you like it?—A. Yes, sir; I like it very well.

Q. What advancement have you made—can you tell me what you are now able to do by reason of your experience and study there?—A. Well, as far as I know, I can take up and start a little job of my own and I can make any furniture that I can lay my hand on.

Q. Is it your intention to start a shop of your own?—A. Yes, sir.

Q. When you finish school?—A. Yes, sir; that is my intention to do.

Q. You were out at the school this morning when the commission visited it, were you?—A. Yes, sir; I was out there.

Q. You showed us some of your work there?—A. Yes, sir.

Q. What did you show us you had done?—A. A table, a center table, a mahogany table, and that tool case, and a violin.

Q. Did you make the violin that was shown to us while we were there?—A. Yes, sir; I have one there.

Q. Let's see it. How long since you began making violins?—A. Well, I didn't put any time on it; I just took my own time, extra time.

Q. This violin which I hold in my hand was made by you?—A. Yes, sir.

Q. In extra times?—A. My own times; yes, sir; extra time.

Q. Well, I will say this appears to me to be a very pretty and well-made instrument. How many violins have you made?—A. Well, I made four, I think, two violins and two violas.

Q. Did you sell them?—A. No, sir; they belonged to the school.

Q. You give your work to the school although you do it on over-time, in extra time?—A. Yes, sir.

Q. Have you made any furniture for the school?—A. Well, I have got a davenport there and a table and I don't know—I have forgotten what else—got a few things and some try-squares; I suppose you seen those T-squares; I have about 15.

Q. Did you make that mahogany veneer table shown us this morning?—A. Yes, sir.

Q. How long did it take you to make that?—A. Well, it took me about a couple of weeks, I think.

Q. Did anyone else work on it besides you?—A. No, sir; it was my own hands; made it with my own hands; didn't have any help. Of course, Mr. Henning told me I could make a table to suit myself, you know; of course, I made a table before, a big library table; I suppose you saw it up on the bulletin there.

Q. Did you make a drawing of the table before you made it?—A. Yes, sir; I made a drawing before I made the table.

Q. You did not study carpentering or house building?—A. No, sir.

Q. Yours is cabinetmaking?—A. Mine is cabinetmaking.

Q. And you like the trade and intend to follow it?—A. Yes, sir; I intend to follow it.

Q. Do you stay out there at the school? Do you room at the dormitory?—A. Yes, sir; well, I am supposed to be captain now and they give me a room, two of us in one room, and the privates room in the dormitories.

Q. You are the captain in the military or marine company?—A. Yes, sir; well, I am supposed to be major now.

Q. You are major?—A. Yes, sir.

Q. What is that, military organization or semimilitary organization you have out there?—A. Well, it is pretty hard to explain it, but it is just like the military anyway, drills.

Q. How many boys in it?—A. Well, supposed to be all the large boys there is there.

Q. Do you know how many there was last year?—A. Well, there used to be about 107, something like that; of course, I was not in the large boys; I was in the small boys last year; I took care of the small boys.

Q. Are you the highest one in the company out there?—A. No, sir; there is Jarvis.

Q. What is he?—A. Lieutenant colonel, I guess. He is out there.

Q. Do you eat out there?—A. Yes, sir; right in the dining room with the boys.

Q. What have you to say about the food service out there and the way it is served?—A. Well, I have been to Carlisle—that is two schools now—and I can say that Cushman feeds just as good as Carlisle. Of course, some boys complain because they have been at home and they don't have no time to get the right time when they ought to eat, and when they take regular times they think they haven't got enough. When I was at home I never had a special time, say 12 o'clock and 8 and then 6 o'clock; we never do that at home, always running around, and when you come to a place where you have to get your meal at a regular time you think you haven't got enough; that is the way some boys complain about that, but as far as I know I think Cushman feeds pretty good.

Q. Do you know of anything in the school there that you want to bring to the attention of the commission, especially that you think ought to be changed?—A. Why, not that I know, sir; as far as I want, everything suits me.

Q. Is there a college or school spirit among the boys out there?—A. Yes, sir.

Q. You know what I mean?—A. Yes, sir; I know—quite a good deal of that.

Q. Do you want to make any further statement in connection with the school or your experience there? We would be glad to hear anything you want to state.—A. No, sir; I have not. I am well satisfied the way it is.

Q. I am curious to know whether you intend to remain in this country or go back to Alaska?—A. I intend to go back.

Q. Going back among your own people, are you?—A. Yes, sir.

Q. And engage in your trade there?—A. Yes, sir.

Q. What is the estimation in which Mr. Johnson is held by the pupils there? What do they think of him—the older pupils?—A. Well, I will tell you; all the schoolboys say Johnson is a pretty good man there; that is all I heard, as far as I know; he has been treating me pretty good since I have been there.

Q. How often do you see him down there at your shop?—A. Well, he comes around pretty often.

Q. Does he?—A. Yes, sir.

Q. What does he do when he comes down there?—A. Well, he just comes around, looks around, inspects some particular thing, asks how we are getting along. Of course, Mr. Griffith makes his inspections every morning anyway, comes down every morning.

By Representative BURKE:

Q. What was your home life before you wen into the school in Alaska? Where did you live?—A. Well, I was living right in Metaskan.

Q. Is that a town?—A. Yes, sir; that is an Indian village; I suppose you heard of Father Duncan.

Q. What does your father do?—A. Well, I didn't live enough to see my father or mother.

Q. Are they living now?—A. No, sir; I used to live with my uncle.

Q. Who brought you up?—A. My uncle.

Q. What does he do?—A. Well, he is working; common laborer, fisherman, logging.

Q. He hasn't any education?—A. Well, he didn't have—of course, he was too old then.

(Witness excused.)

STATEMENT OF CLAUDE H. KINNEAR, PHYSICIAN AT CUSHMAN INDIAN SCHOOL, TACOMA, WASH.

Claude H. Kinnear, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. You are the physician for the Cushman School?—A. I am, sir.

Q. How long have you acted in that capacity, Doctor?—A. Since November, 1896.

Q. You are on a salary?—A. I am; yes, sir.

Q. What do you receive?—A. Six hundred dollars a year.

Q. How often do you visit the school or the school grounds?—A. I visit them three times a week regularly and at other times when called in emergencies, or if the seriousness of the sickness demands it.

Q. What preparation is made at the school for the treatment of the sick or afflicted pupils?—A. They have a well-conducted hospital and a trained nurse; they have an assistant to this nurse, and a hospital cook, and the Government supplies them with medicines and drugs and dressings and surgical instruments.

Q. Do you do all the practice for this school? Is any other physician called in connection with the school there that you know of?—A. Not as a rule; I think as a rule—there have been cases where they were called in consultation.

Q. Sometimes you call them in consultation in a bad case, I suppose?—A. Yes, sir.

Q. What do you say about the health of the school during the last year?—A. It is comparatively good.

Q. What are the sanitary conditions about the school ground and the school building?—A. The sanitary conditions are good; they have a water supply which is as good as can be obtained anywhere, and they have ample and sanitary sewerage, well drained, well connected.

Q. Do you know the kind of food that is served? Have you looked into that any?—A. I have.

Q. What have you done in that regard; how often, and what have you found about it?—A. I have consulted with the superintendent at different times about the bill of fare, about certain articles of food that were more needed than others, and I have been in the kitchen repeatedly and seen the preparation of it. I have watched them at their meals at times.

Q. Well, is the food wholesome or otherwise that is served there, as a rule?—A. It is wholesome.

Q. Have you any suggestions to make in that particular, or are they satisfactory to you as a physician in charge of the school?—A. It is satisfactory.

Q. Do you ever visit the dormitories, except when called to see the sick?—A. I do.

Q. Then, I suppose, you see them in the hospital, the sick?—A. They are generally in the hospital, but I was at the dormitories.

Q. What are the sanitary conditions in the dormitories and how

are they kept?—A. The dormitories are well kept and I consider homelike, only there have been a few times in which they were crowded, and during an epidemic of measles we had to take care of a good many of them in the dormitories.

Q. Why?—A. Because they did not have room enough for them in the hospital.

Q. When was that epidemic?—A. Two years ago.

Q. How many of the pupils then had measles during that epidemic?—A. Between 75 and 80.

Q. Have any deaths from it?—A. No deaths directly from it.

Q. Did you have any deaths last year in the school?—A. No deaths in the school last year.

Q. What diseases are most prevalent among the pupils?—A. Tonsillitis, I presume.

Q. Do you have much pneumonia?—A. We have a number of cases of pneumonia.

Q. What about trachoma?—A. Well, we have a small percentage of trachoma cases.

Q. Do you examine the pupils who come there with reference to trachoma? Do you make an examination of each pupil, or do you only examine them when called upon by the superintendent to do so?—A. I examine them all.

Q. What percentage of pupils last year had trachoma?—A. About 6 per cent.

Q. What did you do—A. Between 4 and 6 per cent.

Q. What arrangement do you make with the pupils that have trachoma: how do you take care of them?—A. We give them a special treatment and isolate them until the disease is controlled.

Q. Have you noticed the arrangement out there with regard to the towels over in the dormitory?—A. I have noticed it.

Q. What is it?—A. They have several separate towels for each child.

Q. They are not so arranged, however, that the towels do not touch?—A. I think possibly some of them are arranged so that they are too close.

Q. In order to get the benefit of having separate towels they ought to be arranged so that they would not come in contact one with another?—A. That should be.

Q. Has there been any change lately in reference to the use of the towels so as to avoid trachoma?—A. Not that I know of lately. Their attention was called to that last year.

Q. As a matter of fact provision could easily be made so that the towels would—A. They should be kept distinctly apart.

Q. That could be done very easily?—A. That could be done very easily; yes, sir.

Q. What about tuberculosis in the school: have you much there?—A. They have some tuberculosis, but provision is made to take the tubercular cases to the sanitarium at Fort Lapwai, as soon as they are discovered.

Q. How many patients were transferred to Fort Lapwai last year?—A. I can not remember exactly—possibly 8 or 10 altogether.

Q. You are familiar with the Puyallup Indians. I take it, being in this locality?—A. Yes, sir.

Q. When did you first discover trachoma among the Indians here?—A. Cases that were diagnosed positively as trachoma were first diagnosed by Dr. Lloyd last fall.

Q. Up until that time you did not know that that—A. Not any positive cases; they were treated as cases of different forms of conjunctivitis—that is, one particular form of conjunctivitis—the trachomous form.

Q. Well, is trachoma increasing or decreasing among the Indians you come in contact with here and treat?—A. It is decreasing among the Indians.

Q. Is it more common among the Indians than the white people?—A. I don't think so, here.

Q. What about tuberculosis? Is it increasing or diminishing among them?—A. Probably decreasing under the modern advice that they follow.

Q. Have you definite data on that subject or any information of a specific character? Do you keep a record of the number of people who apply and who are rejected on the ground that they are tubercular?—A. Yes, sir; we have a record there, and there are fewer cases reported now than in former years.

Q. Might that not be due on account of the greater precautions by agency physicians, who certify to the conditions of the pupils when they come here, or is it due, in your opinion, to the fact that tuberculosis is actually decreasing among the Indians generally in this locality?—A. I think, partially, it is due to greater care by the agency physicians, but looking at it from every standpoint, I really consider it is decreasing.

Q. A proposition has been made in Congress to establish a tuberculosis sanitarium in New Mexico for the treatment of Indians. Would the Indians in this locality be willing to avail themselves of a sanitarium if it was provided? Do you think that a practical method of treating them, at the expense of the Government?—A. I don't think that they would avail themselves of an opportunity of that kind?

Q. Why?—A. They prefer not to go so far away from home when they can get any help near home.

Q. Would they avail themselves of treatments in local hospitals maintained in the locality or near the locality in which they reside?—A. I think they would.

Q. These Indians have no prejudice against the white man's method of treating diseases?—A. Not as a rule. There are a few that do, but as a class they do not.

PETER DICK, A PUPIL AT CUSHMAN INDIAN SCHOOL, TACOMA, WASH.

Peter Dick, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. You are a pupil in the Cushman School, are you, Mr. Dick?—A. Yes, sir.

Q. How long have you been staying there?—A. Well, I came there in 1912.

Q. Are you a full-blood Indian?—A. Yes: I am a full-blood Indian.

Q. What tribe do you belong to?—A. I don't know how to tell you—born up in Alaska.

Q. What part of Alaska are you from?—A. Sitka.

Q. Did you go to school anywhere before you came to Cushman?—A. Well, I was up in school in Sitka: mission school.

Q. What is your age?—A. Twenty-two.

Q. What are you studying at Cushman?—A. Engineering.

Q. What kind of engineering?—A. Down at the heating plant.

Q. How long have you been studying that?—A. I was over there last winter for eight months: this is my second year again.

Q. What have you learned, and what are you able to do in a general way, in regard to the trade you are studying? Can you run an engine?—A. Well, I don't know anything much about it; I just started.

Q. You are just beginning to study your trade?—A. I am just beginning.

Q. Do you like it?—A. It is all right; I can not run the engine; I can keep the fires.

Q. Do you intend to run it and follow it as a trade—make your living that way?—A. Yes: 1910 I was working on a boat, City of Seattle, as the fireman for six months, and after that, six months from 1910, I went to work in a river boat up in Dawson; I was fireman again for four months and a half, and after that I got off and I went back to a place around Sitka, Fish Canyon.

Q. Are you studying in any books out there?—A. No; I aint studying.

Q. You are not studying anything but the engineering?—A. Engines.

Q. What progress do you think you are making there? Do you think you are learning right along?—A. Yes; I am learning.

Q. Do you live in the dormitory?—A. Yes; I have a room myself, and I am orderly of rooms—supposed to be—for five boys.

Q. You are orderly in the military organization?—A. I don't know as to that.

Q. How many boys are under you?—A. Well, I think, about five or so.

Q. How do they get along?—A. Well, they get along all right.

Q. Behave themselves pretty well?—A. Sure they will. They get up in the morning, fix up fine, go to the dining room.

Q. Is there anything else you want to state? We will be glad to have you tell us anything you know that you want to tell us.—A. Well, I don't exactly much—I don't know much to say about it; I notice I had a fine room. My father died in 1909 and my mother died in 1907, but when I was up in the home I used to go around to my brother's and my uncle's. When I was up there Christmas I had an easier time before; and I learned my trade besides, and I learned how to keep clean and how to act, and it suits me good; that is all I know.

Q. What does your uncle and what does your brother do? How do they make a living?—A. Well, one of my brothers, he is band-master, teaching a band; he was over at Sitka training school for several years, and one of the company down around here—Sousa, the great professor—and he is raised for music, and he is musician,

and he paid \$15 a month in music—Sousa composed it and he sent it to my brother, and my brother is teaching band—and he get \$100 a month and board: that is the way he keep his living up.

Q. How many brothers have you?—A. Two.

Q. What does your other brother do?—A. My oldest brother, he had a power boat himself, and he do the fishing in the season time; he run his own power boat, and he get 25 cents a fish—red salmon—and so he keep his living up.

Q. What does your uncle do?—A. My uncle do the crabbing in Alaska, and when the season comes he do the fishing; in the winter time he go out and trap then; in the fall time go up in the mines—work in the Juneau mines.

(Witness excused.)

STATEMENT OF DANIEL SIMMONS, A STUDENT AT CUSHMAN INDIAN SCHOOL, TACOMA, WASH.

Daniel Simmons, being first duly sworn by the chairman, testified as follows:

Examination by the chairman:

Q. What are your initials, Mr. Simmons—what is your given name?—A. Daniel.

Q. Where are you from?—A. I am from Yakima.

Q. How long have you been in Cushman School?—A. Two years; this is my third year.

Q. Where did you study or go to school before you came to Cushman?—A. Well, I went to school in the same school at the time it used to be the Puyallup School, and went to school there about three years, and then my mother went up to Yakima after my father died, and I went to school up at Fort Simcoe.

Q. Do you read and write English?—A. Yes, sir.

Q. What grade are you in?—A. Eighth.

Q. That is the highest grade you are in?—A. Yes, sir.

Q. You will graduate from Cushman this year?—A. Last term I graduated.

Q. Oh, you are a graduate?—A. Yes, sir.

Q. You are taking now a course—A. Machinist.

Q. As a machinist?—A. Yes, sir.

Q. What kind of work are you studying there, and how are you getting along with it?—A. Well, I don't know what kind of work I am studying, but anything that is to be made or repaired that Mr. Sidel thinks I could make he gives it to me to finish. This morning I was making screws for the dynamo down in the engine room.

Q. You were engaged in making screws for the dynamo out there this morning when the commission saw you?—A. Yes, sir; I finished it.

Q. Do you like that kind of work?—A. Yes, sir.

Q. Are you going to learn it for a trade?—A. Yes, sir.

Q. How old are you?—A. Twenty-two.

Q. Are you a full blood?—A. I am three-quarters Indian.

Q. Your parents living?—A. My mother is living; my father died.

Q. Your mother lives on the Yakima Reservation?—A. Yes, sir.

Q. Has she been allotted there, or do you know?—A. Yes, sir.

Q. Is there anything else you want to state in regard to the school and the way you are getting along?—A. I have nothing to say against the school. I think Cushman is as good school as I would ever want to go to. I had a chance to go to Chemawah. I wouldn't go; I thought I would stay there in Cushman; the employees there all suit me and treat me about as well as any employer could.

Q. You have no trouble there at all?—A. No, sir.

Q. Do most of the boys get along there that way?—A. Yes, sir.

Q. Do a good many of them have trouble of some sort?—A. Some of the ill-tempered boys could not get along, so they would have to run away.

F. R. ARCHER, ALLOTING AGENT, QUINAIELT RESERVATION, WASH.

F. R. Archer, being first duly sworn by the chairman, testified as follows:

By Representative BURKE:

Q. You have been the allotting agent on the Quinaielt Reservation?—A. Yes, sir; I have been.

Q. For how long?—A. I was appointed in May, 1905, and took office September 27 of the same year.

Q. And from that time up till when?—A. With three furloughs off and on, I have been out of the field for about 26 months.

Q. I don't know as I understand you; you began in 1895?—A. I was appointed in May, 1905, and from May, 1905, to September 27 I accepted the position tentatively, but finally accepted it in September of the same year, and began to work on the 27th day of that month.

Q. How much time have you put in since?—A. I have put in the entire time with the exception of three furloughs, which took me out of the service for about 26 months of that time.

Q. Are the allotments completed now?—A. No, sir; far from being so.

Q. Are you still working at it?—A. No, sir; I am not working with the Indian or Interior Department at this time and do not expect to be.

Q. When did you separate from the service?—A. September 30 of this year.

Q. Under what circumstances?—A. I got a telegram furloughing me and stopping allotment work.

Q. You say you do not expect to resume?—A. No, sir; not that I know of.

Q. Is that because you do not care to continue in the service?—A. Under the circumstances I don't think I will be asked to.

Q. What are the circumstances?—A. Well, I don't want to go into detail here in regard to that; you gentlemen know there has been a change of administration and I think that is the only reason.

Q. That is, you have been relieved?—A. I have no kick coming, only I think I should have been given a little more time to turn my work over. Under that furlough I asked 30 days to turn my records over in good shape, and I was denied the time.

Q. How many allotments have been made on this reservation?—A. About 987.

Q. How many enrollments are there, if you know, that are entitled to allotments?—A. I know nothing in regard to the enrollment; the enrollments do not pass through my hands.

Q. About how many allotments have been made since you have been allotting agent in each year?—A. Well, that varied considerably; sometimes it depended on where we were, what part of the reservation we were.

Q. What does your force consist of?—A. Well, we have as low as 4 men and we have had as high as 12, depending on the section of the country we were operating in.

Q. Were the lands surveyed originally?—A. The land was sectionized prior to our going there.

Q. And section corners established?—A. Yes, sir.

Q. Then, your work of locating the Indian upon his allotment was simply subdividing a survey already made?—A. Yes, sir; and retracing in boundary lines we did not find.

Q. Have you any information as to how much it has cost per allotment to make the allotments on this reservation?—A. That varies; it has cost as low as \$20 and it has cost as high as \$50. The reservation is heavily timbered and is a dense jungle, with possibly about two or three sections which are prairie lands.

Q. Under the law the Indians of this reservation are entitled to an allotment of 80 acres?—A. Yes, sir.

Q. Men, women, and children?—A. Yes, sir.

Q. What is done with relation to making allotments where an Indian selects a lot, for instance, that does not contain 80 acres?—A. Well, you mean a fractional lot?

Q. Yes, sir; a fractional?—A. It is given him if he wants it, and if we can find another fractional lot to make up the 80, that is given him to make up the difference.

Q. Do the allotments in any cases exceed 80 acres?—A. Yes, sir; a good many of them.

Q. To what extent; how many acres above 80?—A. We have had possibly 90 and 92.

Q. Then the construction of the law in making of allotments is that the area shall be approximately 80 acres?—A. Yes, sir.

Q. Does that mean if an Indian is allotted, we will say, 79 acres, that he may still receive an additional allowance?—A. No, sir; under the instructions from the Land Office—under the general allotment act and the general land laws—79 acres would practically complete his allotment, except we found a fractional lot of 1 acre.

Q. Now, I am going to call your specific attention to the case of Billie Garfield, if that is his name; do you have knowledge of his allotment, the land allotted to him personally?—A. Yes, sir.

Q. Do you know how many acres it contains?—A. No; I could not positively say just his personal allotment at this time; we thrashed that out about two months ago, when there was a special agent out here by the name of Armstrong.

Q. What did you thrash out?—A. The entire allotments belonging to the Garfield family.

Q. What are the facts as agreed upon between you and Mr. Armstrong as to these allotments?—A. Well, there wasn't any agreement about it. Mr. Armstrong thought if a small fractional piece of land could not be found that he could not get it.

Q. Now, were the other members of his family short in theirs?—
A. Some of them were and a few of them were over.

Q. Now, do you know of a 48-acre tract that it was suggested might be allotted to the family of Garfield to make up these shortages?—A. It was allotted to the family.

Q. In what form?—A. His daughter Ella took up a fraction first, and later on he asked that this additional lot be given to her; and in the meanwhile the office had called for the schedules—I am ahead of my story; if Garfield has got his trust patent it will show on it the whole story, the history of that 40-acre allotment.

Q. Well, he hasn't got it, so we would like to have you give it to us as near as you can.—A. She had an allotment, if I remember right, of about 30 acres. I am not positive of the amount. I have no books or records; I turned them all over on the 1st of the month.

Q. To whom?—A. To the superintendent, who turned them over to the surveyor who is retained to finish up the work. This 40-acre tract, after her trust patent came for the fractional lot she had, he suggested that this be given to the girls.

Q. These 48 acres?—A. These 48 acres.

Q. Who suggested it?—A. Garfield did.

Q. This man over here?—A. Yes, sir; and we indorsed on the trust patent, Mr. Blish, who was then acting agent at Tacoma—we indorsed on it that this additional 48 acres to be allotted to Ellen Garfield so as to complete her allotment and send it in to the Indian Office; and, in the handwriting of Assistant Commissioner Hauke, they refused to give that additional 48 acres.

Q. Forty-eight acres?—A. Yes, sir; claiming that she could not transfer; that he could not transfer for her; he was her guardian—she was under age—transfer the previous allotment that was given to her and include this. As the matter stands to-day the office has never approved that allotment of 48 acres, but it was allotted to the Garfield family, and the Garfield family should have it.

Q. Yes; but it should not be allotted to the Garfield family, except that it be allotted specifically to individuals?—A. It was allotted specifically to Ellen Garfield, and whether the office approved that tentatively to the Garfield family—they should have that allotment of land.

Q. Well, Ellen Garfield should have it?—A. Yes; Ellen Garfield should have it.

Q. Well, have you seen the land recently; that particular tract?—A. I saw it about 10 weeks ago, I think.

Q. Do you know any proposed alterations thereon with relation to the sinking of an oil well?—A. The last time I saw it was—on a portion of the land there was a mound thrown up, and there was a gas pipe driven in the ground with a gas cock, and the gas cock was wired so that no one could light it.

Q. Was that on this 40-acre tract?—A. The gas pipe was driven on this 40-acre tract.

Q. So far as you know it has not been allotted?—A. Not so far as any allotment having been approved. The office approved them tentatively but would not change the trust patent for the simple reason—you will understand that after my schedules are sent in—I never saw the trust patent; they are never sent to me; I have nothing

whatever to do with them after that. The office either approves those schedules or turns them down.

Q. I thought that, in the handwriting of Mr. Hauke, they disapproved this one?—A. They disapproved this additional lot being put on there, and her transferring back this other 30 acres that they had; but that 30 acres was not sufficient to give her a complete allotment.

Q. Well, wouldn't she be issued a new trust patent if she was allowed this additional allotment?—A. It ought to have been done; yes, sir. The trust patent itself will give you almost the entire story of that transaction.

The CHAIRMAN. But that has not been issued?

A. Yes; the trust patent was issued.

By Representative BURKE:

Q. For 48 acres?—A. No, sir.

Q. Well, when was the 30 acres allotted?—A. The 30 acres was allotted quite a while previous to the request for "six hundred and forty-eight" and schedules sent in. After the trust patent came, he requested this additional 48 acres be added onto this piece of land, and we wrote on the back of the trust patent his request, administered the oath to him as guardian, and sent it to the office with the recommendation that that trust patent be canceled and a trust patent be issued for these two pieces of land, and the office refused to accept it.

Q. Well, what they would be would be to issue another trust patent, wouldn't they?—A. Well, they didn't do it, and I had nothing further to do with it. I simply saw the trust patent later on; they never wrote to me in regard to the matter or had no correspondence with me in regard to it.

By Representative CARTER:

Q. How long did you say you had been allotting these lands, Mr. Archer?—A. Since September, 1905, sir; with the exception of about 26 months.

Q. That is on the Quinaielt?—A. On the Quinaielt Reservation.

Q. How many Quinaielts are there who received allotments, do you know?—A. Well, that is pretty hard to say, how many Quinaielts there are thereabout, because there have been a great many taken in by adoption. The treaty is very broad; it has been embracing a great many of the outside Indians, but under the provisions that the fish eaters of western Washington may be taken in, these people have been taken in.

Q. How many have you allotted?—A. About 987 allotments.

Q. That is at the rate of about 100 a year, isn't it?—A. Approximately that; yes.

Q. Is that a fast or a slow record for allotting people?—A. Well, it is a very slow record.

Q. What was the cause of it taking so long to allot land?—A. Well, one of the causes was there was no roads on the reservation. You can only navigate the ocean beach; that must be done on tides, and the only other way of getting around the reservation is in canoes, poling us the rivers through the rapids. You have to go through the woods; you have to build your own roads, pack horses; a good

deal of the way the men have to take every pound of subsistence and their packs and tents on their backs.

Q. Which men do you mean now?—A. The surveying crew.

Q. How many men were engaged in that business?—A. From 4 to sometimes 12 men.

Q. How long did they work?—A. They were supposed to work eight hours.

Q. Well, how long a time did they work? How many months of the year?—A. Well, they worked whenever we were making allotments.

Q. For nine years?—A. Yes, sir; whenever we were in the field.

Q. You had from 4 to 12 men and yourself for nine years making the allotments?—A. Yes, sir; it is a country where an able-bodied man can hardly go in the brush, except he gets on a trail, 3 miles a day, and I doubt if any man in here not accustomed to the woods can go a mile day in and day out, excepting he strikes an elk trail, something of that sort.

Q. You spoke of having trouble with the present administration; what kind of trouble is that?—A. I haven't any trouble, simply that the administration overlooked me; that is true also in the previous administration.

Q. They furloughed you?—A. Yes, sir; I have been furloughed on three different occasions.

Q. Has that been due to lack of appropriations?—A. No, sir; it has been due to lack of policy; they would run a little while and come to the conclusion that they would stop allotments or for some other reason they would not go ahead with it.

By Representative BURKE:

Q. Mr. Archer, in your work of making allotments were there any cases where Indians requested to be allotted certain lands which they had selected, where you declined to allot them and allotted them other lands?—A. Yes, sir.

Q. Now, will you state what governs you in matters of that kind?—A. The general allotment act and instructions whereby only agricultural lands were allotable. As a matter of fact, I will say that there were no agricultural lands on the reservation, but what there is has some timber on them.

Q. Did you have any such cases where you declined to allot the land first selected by the Indian, and then did the Indian make another selection, or did you arbitrarily allot it?—A. There have been a few cases where we were instructed to close the work down, and I had direct instructions from the office to arbitrarily make some allotments, but otherwise I have not used that discretion.

Q. Now, can you tell us whether or not during the time you were an allotting agent you declined to allot to Indians upon the reservation lands because they were not subject to allotment, and subsequently in your administration those lands were allotted to other Indians that perhaps came in later?—A. I don't know of any such case, sir.

Q. You don't know of any land having been allotted where you had declined to allot because the lands were not subject to allotment?—A. No, sir; I do not.

By the CHAIRMAN:

Q. Well, I understood you to say a while ago that you had declined to allot certain Indians—some Indians—on the lands selected by them, because these lands were not agricultural lands, as you understood it, within the meaning of the instructions of the department?—A. Yes, sir; but I have never given those lands to anyone else.

Q. No instance where lands you refused to allot to an Indian who selected them were afterwards allotted to some one else?—A. Not to my knowledge.

By Representative BURKE:

Q. Did you find some Indians who refused to make selections and you had to arbitrarily allot them?—A. I first submitted it to the office.

Q. I understand; but did you find some Indians who refused to select?—A. Yes, sir.

Q. And then you submitted it to the department?—A. Yes, sir; but there were very few.

By the CHAIRMAN:

Q. Are there any untimbered lands on the reservation, or have been during your service as allotting agent?—A. There have been very little lands but what there was some timber on.

Q. How would you determine that lands selected by the Indian for allotment were not properly to be allotted to him because of the fact that they were not agricultural lands; how would you go about determining that?—A. If they were not agricultural lands they were not allottable.

Q. I know, but how did you determine?—A. By looking at the soil and general growth on the lands.

Q. All of the lands had timber on them?—A. Yes, sir; nearly all the lands in the reservation.

Q. In that sense they were timberlands and not agricultural lands; now, what I want to know is how you arrive at a conclusion that a certain piece of land that was timbered was timberland and not agricultural?—A. The character of the soil; I was not supposed generally to pay very much attention to the timber. As a matter of fact you could not go in there and make probably more than 25 allotments but what there would be some timber on it, and we paid particular attention to the character of the soil. If the soil was good and we believed it would raise crops we allotted it; if it was a gravelly soil and we thought unfit for crops we did not allot it.

Q. Then it did not matter if the land was timbered; if it had good soil you allotted it?—A. Yes, sir.

Q. And the only lands you say you rejected or refused to allot were the timberlands that were gravelly and not productive?—A. Yes, sir; and in cases where it had an exceptional stand of very, very heavy timber.

Q. Do you know how many cases there were of that kind?—A. No; but there were a few of them.

(Witness excused.)

STATEMENT OF A. B. ROSCOVIUS, FARMER ON QUINAIELT
RESERVATION, TAHOLAH, WASH.

A. B. Roscovius, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. Where do you reside, Mr. Roscovius?—A. At Taholah, Wash.

Q. Is that on the Quinaielt Reservation?—A. Yes, sir.

Q. Are you employed on the reservation by the Government?—
A. Yes, sir.

Q. In what capacity?—A. As farmer.

Q. What do you do as farmer?—A. I am located in the village there, and I see to the sanitation, as Mr. Johnson suggested, of the village.

Q. How many farmers have you in your jurisdiction?—A. I have a few; we have one that is here now—Joe Cacoeman—he farms quite a little.

Q. How much land is farmed on the Quinaielt Reservation, as a matter of fact?—A. Oh, not to exceed 100 acres.

Q. On the whole reservation?—A. Yes, sir; now, there is some pasture lands, but that is not being—

Q. (Interrupting). How much pasture land is there in addition to the 100 acres of land actually farmed?—A. There is a prairie there consisting of about 300 acres, I should judge.

Q. And that is not cultivated?—A. No, sir.

Q. The whole cultivated area on the Quinaielt would be confined to about 100 acres?—A. Yes, sir.

Q. How many Indians do you think are engaged in farming that?—A. There is perhaps two or three dozen have patches of an acre or two and half dozen that have larger tracts, and Joe Cacoeman is the only man that has a tract of 30 acres, I should judge.

Q. Is that prairie land agricultural land? Will it produce crops?—A. I believe it would.

Q. What is the area of the prairie land on the reservation, or about?—A. Approximately 300 acres.

Q. Is that all the prairie land there is?—A. That is all I know of.

Q. Has that been allotted?—A. I believe so.

Q. Is there anything being done there to try to induce the Indians to make farmers?—A. Yes.

Q. What?—A. Just talking to them and advising them; their occupation is fishing, and I guess so far the fishing has been so good, so much better than farming would be, that farming was very little inducement to them; but the last season the fish run was not so good, and some of them are thinking farming would not be so bad.

Q. Now, these heavily timbered lands, are they farm lands, or capable of being cleared and farmed?—A. Yes, sir.

Q. Fertile, are they?—A. Yes, sir; very fertile.

Q. How long have you been on the reservation as farmer?—A. Three years in January.

Q. What do you do there? What are your duties?—A. I am there to carry out Mr. Johnson's instructions.

Q. You are a representative of the superintendent?—A. Yes, sir.

Q. Your title as farmer is merely fictitious?—A. Yes, sir.

Q. As a matter of fact, you are not engaged in giving instructions to the Indians in farming to any considerable extent?—A. No, sir; none whatever.

Q. Because practically there is no farming going on on the reservation?—A. Yes, sir.

Q. You are really a subagent?—A. Yes, sir.

Q. How is the business of the reservation? Describe now how it is carried on? Does Mr. Johnson himself come there?—A. He comes there occasionally.

Q. How often has he been there during the last year, you think?—A. Approximately half a dozen times.

Q. How long does he stay there when he comes?—A. Well, it varies; varies from an hour to sometimes a day.

Q. Well, as a matter of fact, you are the man that really looks after that reservation? Whatever is done there, you are the responsible agent, are you?—A. Yes, sir.

Q. Now, when questions arise as to what shall be done on the reservation, how do you determine them? Do you determine them yourself and advise Mr. Johnson afterwards, or do you confer with him?—A. I confer with Mr. Johnson.

Q. How do you confer with him?—A. Through correspondence.

Q. You write him?—A. Yes, sir.

Q. Are complaints as to administrative matters on the reservation registered with you?—A. Not always; no, sir.

Q. How do they go?—A. Well, the Indians very often write direct to him or to the Indian Department at Washington.

Q. Were you in the room this morning when the statement was made about the complaint of an Indian, who said he had been compelled to work because he had not extended proper social courtesies to you?—A. Yes, sir.

Q. I believe that was Mr. Garfield?—A. Yes, sir.

Q. What about that statement? The statement was made that you required him to chop wood because he would not speak to you or say good morning?—A. We have on the reservation or village an Indian court, and any misdemeanors or intoxication or any offense whatever that comes up in the village is taken to the Indian court, and the Indian court decides as to what should be done with the criminal.

Q. Now, take the case of Mr. Garfield; what was the charge against him in that case?—A. Well, discourtesy and not complying with the rules.

Q. Well, what was the discourtesy?—A. Well, it was not so much discourtesy as he did not comply with the rules; we were at that time measuring out the fishing locations, and he disobeyed me in not moving his stakes, and in consequence the court decided that he should be fined.

Q. That he should be fined?—A. Yes, sir.

Q. Who composed that court?—A. Three policemen and the judge.

Q. What is the name of the judge?—A. At the present time?

Q. I mean then.—A. At that time? Why, the fact of the matter is, Garfield himself was the judge.

Q. Well, did he try himself and fine himself?—A. No; he resigned.

Q. In order that some one else might try him?—A. Yes.

Q. Who tried him then, as a matter of fact?—A. I don't recollect, but I believe it was George Underwood.

Q. Well, how was George Underwood selected as judge to succeed Judge Garfield, resigned?—A. Well, the policemen oftentimes have a say in regard to the matter.

Q. Was Garfield tried?—A. Yes, sir.

Q. Did he have a hearing?—A. Yes, sir.

Q. Before whom?—A. Before the Indian court.

Q. But who was that court that he was actually tried before?—A. The three policemen and the judge.

Q. Was a record made of the sentence?—A. I believe not.

Q. Do they keep a record of the proceedings?—A. I have been since that time; yes, sir.

Q. Well, did you do it before?—A. No, sir.

Q. How did you come to commence keeping it, then?—A. It was requested by Mr. Johnson, the superintendent.

Q. Was that case called to Mr. Johnson's attention?—A. I believe it was.

Q. You made no record of the sentence imposed against Judge Garfield?—A. No, sir.

Q. Now, as a matter of fact, what was the sentence?—A. Why, as I remember, it was 2 or 4 cords of wood; I am not positive.

Q. What did you say a while ago when you said one of the offenses for which he was tried was discourtesy? You also said in the same connection that he was charged with discourtesy and disobedience to the regulations. Now, what was the discourtesy that he practiced?—A. Well, he had told me I didn't do as I should do, and other agents had done otherwise, and talked in a manner that I did not think was proper—

Q. Now, what did he say?—A. I don't recall the exact words.

Q. Was he offensive?—A. Yes, sir.

Q. And that was one of the offenses for which he was tried?—A. Yes, sir.

Q. Now, when did he resign with reference to that trial?—A. Well, at that time.

Q. How did he come to resign?—A. He said he was not being given a square deal on the measurements of his fishing location, and that he would resign as judge, and that he did not like the way I was doing.

Q. Who had the power to determine his fishing locations?—A. Why, I did.

Q. You did?—A. Yes, sir; and the policemen, of course. I was with the policemen who surveyed it.

Q. Did he explain to you how it was he thought he was not given a square deal?—A. He said in former years his stakes had been there, and they should be there then.

Q. He had been using the same location for some time, and he wanted to continue to do it?—A. Yes, sir.

Q. Why did you require him to move it?—A. The policemen that had been there for years told me, and I also knew, that during the freshets a number of stakes had gone out; in fact, all the stakes near the mouth of the river were taken out, and in resurveying we found his stakes were not in their proper locations.

Q. Who was that policeman?—A. Why, there had been a good many changes, and I don't remember; I don't recall who they were at the time.

Q. Now, when that complaint was made (that Mr. Garfield had been fined for some offense) to Mr. Johnson, what did Mr. Johnson do about it, if anything?—A. Why, Mr. Johnson came to the reservation some time this past year and in a talk with me this question arose, and he told me of this particular instance and that about Garfield. I didn't know of it otherwise.

Q. Under what authority is that tribal court constituted, and who determines who is entitled to sit as a member of that court?—A. Why, I make the recommendations to Mr. Johnson and he usually approves the recommendation of who should be on the police force or who should be the judge.

Q. The court consists of one judge?—A. And three policemen.

Q. The policemen make the arrest and then try the fellows arrested?—A. Yes, sir.

Q. That is the way it is done, is it?—A. Yes, sir.

Q. And then enforce their sentence?—A. Yes, sir.

Q. How many trials do you have in that court as a rule; are they frequent or rare?—A. No, sir; not very; just occasional times; they are quite rare.

Q. Could you say how many trials were had in that so-called tribal court during the last year, for instance?—A. Not to exceed half a dozen.

By Representative BURKE:

Q. Are you familiar with the 40-acre tract of land that has been referred to here as the tract selected as the additional allotment for Ellen Garfield?—A. Yes, sir.

Q. Do you know anything about a certain oil well about to be put down somewhere in that locality?—A. Yes, sir.

Q. Do you know where it is located?—A. Yes, sir.

Q. Is it upon this 40-acre tract?—A. Yes, sir.

Q. Has there been any lease made of that tract, as you know?—A. Not as I know of.

Q. Do you know who the party is that is about to put down the well?—A. Yes, sir.

Q. Who is it?—A. Mr. J. A. Paulhamus.

Q. Who does he represent?—A. Why, the Indian Oil Co.

Q. Who compose the Indian Oil Co., if you know?—A. I don't know.

Q. Is that the concern Mr. A. W. Lane is connected with?—A. Yes; I believe so; in fact, I know so; he is the lessee.

Q. I want to ask you if you were here this morning and heard Mr. Johnson describe having held certain councils up there with reference to leasing the lands of the Indians for oil purposes?—A. Yes, sir; I was here.

Q. Do you recall a council having been held in 1910?—A. No, sir; I came there in January, 1911.

Q. Do you know anything about the council held in January, 1911, or was it after you came there?—A. No; I came there in January, 1911; I don't recollect any council being held at that time.

Q. Do you recollect a council having been held in November, 1912?—A. Yes, sir.

Q. Did you have anything to do with that council?—A. Nothing more than to inform the Indians that it was to be held.

Q. Now, what did you do in relation to giving the Indians notice of that council?—A. Why, I went among them personally.

Q. What caused you to go in the first place?—A. Mr. Johnson instructed me to.

Q. How did he instruct you?—A. By letter.

Q. You haven't that letter?—A. Not here.

Q. What did he say?—A. He asked me to notify the Indians to be present at a council to be held on a certain day.

Q. How many days before the council was to be held did you get that notification?—A. Well, I could not say as to that without looking in my files.

Q. Was it one day before or several days, as you recall?—A. Well, I don't think it was more than two days.

Q. What did you do when you got that notice?—A. I notified the people in the village and had the officers notify other people that were located at a distance.

Q. Who do you mean by the officers, the police?—A. Yes, sir.

Q. Is that the customary way of giving notice of a council?—A. Yes, sir.

Q. Were the Indians informed of the purpose of the council?—A. No, sir.

Q. There was nothing said except that they were requested to attend a council?—A. Yes, sir; now, there were several councils—there was councils that it was stated what it was to be for, but others it was not.

Q. About this council in November, 1912?—A. Well, concerning what, please?

Q. Well, I want to know if the notice stated what the council was for?—A. No, sir; not that I know of.

Q. Did Mr. Johnson tell you in his letter what the purpose of his letter was?—A. Not that I remember.

Q. Were you at the council?—A. Yes, sir.

Q. What transpired there as you remember?—A. Mr. Johnson presided.

Q. Well, what did he tell the Indians, what did he say; he must have told them something?—A. I don't recall what was said or what took place at the time.

Q. You don't remember what he talked about?—A. No, sir.

Q. Did you hear anything suggested about oil leases or authority being given to him to make oil leases?—A. Well, if this was the council that concerns the oil leases, yes.

Q. That is what I want to know; what did you hear?—A. He asked the Indians whether or not they wished to empower him to lease these lands and act as their agent to vote on the subject, which they did.

Q. Was the question put to the meeting to determine by a motion?—A. Yes, sir.

Q. Do you recall of the proportion of the votes in favor of it?—A. Why, the majority.

Q. Do you know how many there were?—A. Why, just approximately.

Q. About how many?—A. Oh, I should judge 25 or 30 adults.

Q. Is there any rule governing councils on an Indian reservation, that before any business can be transacted there must be a certain

number of Indians present, or does a majority of those who assemble constitute a council?—A. The majority of those who assemble constitutes a council.

Q. How long was that council in session, do you remember?—A. Two or three hours.

Q. Was there any protest made by anyone against granting to Mr. Johnson authority to sign the leases?—A. Not at the time, that I know of.

Q. Was there subsequently?—A. Yes, sir.

Q. Against Mr. Johnson signing the leases or against leases being made?—A. Against leases being made.

Q. Has there ever been any complaint against Mr. Johnson being selected to sign the leases? What I mean is, as to him individually?—A. I have heard nothing.

Q. You have heard some complaints on the part of the Indians against making the leases?—A. Yes, sir.

Q. What has been the nature of those complaints?—A. That they did not want Mr. Johnson to make the leases; that they were capable of managing their own affairs.

Q. In other words, the Indians expressed dissatisfaction as to leases being made under the supervision of the Government and desired to make the leases themselves?—A. Yes, sir; that they wished to be consulted in the matter.

Q. That is, they wanted to be a party themselves to the making of the leases?—A. Yes, sir.

Q. Well, individual leases made by adult Indians are signed by the Indians?—A. Yes, sir.

Q. So no lease can be made in such a case as that unless they are consulted?—A. No, sir.

Q. Then, it must have been largely because leases were being made of minor Indians?—A. Yes, sir.

Q. That the complaint was about?—A. Yes, sir.

Q. The father of the minor Indian objected because the agent made a lease?—A. Yes, sir.

Q. Without consulting him as to his child's land?—A. Yes, sir.

Q. About how many of those complaints were there?—A. I don't know of but one.

Q. Who was that?—A. William Garfield.

Q. Have you heard of any other?—A. No, sir.

Q. Has there been any complaint coming to your notice among the Indians against the making of leases for oil purposes upon the reservation other than Garfield?—A. Beg pardon.

Q. Have there been any complaints other than Garfield?—A. No, sir.

Q. He is the only one you have heard?—A. Yes, sir.

Q. If there has been considerable complaint of that kind, it has not come to your notice?—A. No, sir.

Q. Did you see Richard C. Adams here last summer?—A. Yes, sir.

Q. Was he upon the reservation?—A. Yes, sir.

Q. What was he doing there?—A. He was with his son. He was getting leases—oil leases—from the Indians.

Q. Did you talk with him?—A. Yes, sir.

Q. Talk with the son?—A. Yes, sir.

Q. Did they tell you that that was their purpose here—A. Yes, sir.

Q. Did Richard Adams appear to be doing anything else here at that time?—A. No, sir.

Q. Do you know whether or not there are a good many Indians upon your reservation that belong to the organization of which Richard C. Adams is said to be the principal chief or grand sachem?—A. Yes, sir.

Q. Are there a good many Indians over there that belong to that organization?—A. Yes, sir; quite a few.

Q. Do you know whether they pay anything or not?—A. I don't know as to that.

Q. Do you know whether or not Mr. Adams obtained any contracts of any kind other than oil leases of these Indians while he was here?—A. No, sir.

By Senator ROBINSON:

Q. How many councils have been held since you have been here?—

A. Why, approximately a half dozen in the last three years.

Q. What were the other councils about?—A. Why, various land matters in regard to fishing—their fishing there and fish canneries.

Q. Did you hear a complaint about the time of this council in 1912 that the majority of the Indians had not voted at all or had not been given an opportunity to vote?—A. No, sir.

Q. How was the question put? Just say, now, what was done when the question was put, as to whether Mr. Johnson was authorized to sign leases.—A. How was the question put by Mr. Johnson?

Q. Yes; to the council.—A. Why, he asked them to vote by raising their hand whether he was to act as their agent or not.

Q. Well, did he put the other side of it?—A. Yes, sir.

Q. Did any vote against it?—A. I believe not.

Q. Who counted the votes?—A. I don't remember that.

Q. Did you do it?—A. I may have done it.

Q. How do you know that the majority of them voted in favor of it, is what I am trying to get at?—A. Why, I don't know of any other way except that it would not count a vote.

Q. You really don't know how many voted for it, do you?—A. No, sir.

Q. You just assumed the majority voted for it, because it was declared granted?—A. Yes, sir.

Q. Have you a personal recollection as to whether or not both sides of the question were put?—A. Yes, sir.

Q. Who made the motion?—A. I don't know as to that.

Q. You don't remember about that?—A. No, sir.

Q. Do you know anything about stock companies being organized to sell oil stock on that reservation—for lands on that reservation?—A. No, sir.

Q. You never heard about that?—A. No, sir.

By Representative CARTER:

Q. You say there have been a half dozen councils held in the last three years?—A. Approximately.

Q. Then did you give the notice to each one of the Indians?—A. Yes, sir.

Q. You state that you did not say in your notice to the councilmen—to the tribe—what this meeting was for in November, 1907.

the one that was called for the purpose of considering the question of authorizing Mr. Johnson to sign the leases?—A. Well, I don't know as to this specific council, but some of the councils Mr. Johnson would simply say in his letter that he wanted to see the Indians and wanted them present and would not say what it was for.

Q. Are you sure that notice was not given of the purpose of this meeting of the council, or are you just guessing about that?—A. Well, I notified the Indians at all times when I was requested by Mr. Johnson.

Q. Well, but are you sure that they were not told what they were to convene for?—A. I am not certain as to that.

Q. When you saw Mr. Adams on this reservation taking these leases, was there anyone with him?—A. Yes.

Q. Assisting him to take the leases?—A. Mr. Adams was with his son, Leo.

Q. Was there anyone else with him?—A. Yes; there was a Mr. Norris.

Q. Where was he from?—A. From New York, I believe.

Q. Anyone else?—A. Yes; I don't recall the name, though.

Q. Was there anyone interpreting for him?—A. Yes, sir.

Q. Who did that?—A. Why, Indians that were capable of interpreting; various Indians.

Q. He did not have any certain interpreter with him that he carried with him?—A. Yes; he had a man there by the name of Charlie—George Charlie, I believe.

Q. A Quinaielt Indian?—A. Yes; I believe he is a Quinaielt Indian.

Q. Where does he live?—A. At Bay Cander.

Q. Where does he live?—A. At Georgetown.

Q. Was there anyone else with him that you know of?—A. No, sir.

Q. He just went among the Indians taking the leases himself without the assistance of anyone except the interpreter?—A. Yes.

By Representative BURKE:

Q. What have you to say about Billie Garfield? Is he a good citizen up there?—A. Yes, sir.

Q. Has he a good reputation?—A. Yes, sir.

Q. A man that is temperate, is he?—A. Yes, sir; entirely so.

Q. If you were called upon to certify as to whether he was competent or otherwise to manage his own affairs, what would you say?—A. I would say he was entirely competent.

Q. Has he ever made an application for patent in fee, if you know?—A. I believe he has; I am not positive, though.

Q. That would originate with you, though, if he did, wouldn't it?—A. Well, I think he has made a verbal application to Mr. Johnson; he has never requested me to.

Q. Do you know a woman up on your reservation by the name of Sallie Hoh William?—A. Yes, sir.

Q. Who is she and how old is she?—A. I should judge her to be about 55 or 56 years old.

Q. Did she have an allotment?—A. Yes, sir.

Q. Do you know whether the land has been sold or not?—A. I do from the fact that she is receiving money each month.

Q. But if it was sold it was sold before your administration?—
A. Yes, sir.

Q. When lands are sold under the noncompetent act, is it the duty of the farmer to make the appraisement?—A. Why, there has none been sold since I have been there.

Q. There has none been sold?—A. No, sir.
(Witness excused.)

STATEMENT OF WILLIAM GARFIELD, TAHOLAH, WASH.

William Garfield, being first duly sworn by the chairman, testified as follows:

By Senator TOWNSEND:

Q. Your name is William Garfield?—A. Yes, sir.

Q. How old are you, William?—A. Oh, just about 50; my father didn't know my age, you know; I just guess at it.

Q. Where do you live?—A. Quinaielt Reservation.

Q. Do you live in that village up there?—A. Yes.

Q. What is the name of that?—A. Taholah.

Q. What is your business? What do you do for a living?—A. Well, I started making my living hunting sea otter, and when sea otter got scarce I started fishing.

Q. You are a fisherman now?—A. I am a fisherman now, and when the fish get scarce I am a clam digger now.

Q. Do you till or cultivate any of your land?—A. No.

Q. You have an allotment up there?—A. Yes, sir.

Q. How many acres in your allotment?—A. Oh, I guess about 79.

Q. You have a family?—A. Got a family.

Q. How many children?—A. Five.

Q. Five children?—A. Yes, sir.

Q. And you have a wife?—A. Have a wife.

Q. So you have in your family seven allotments, have you?—
A. Yes.

Q. All have allotments?—A. Yes.

Q. Have they all had a full 80 acres?—A. No; three of us were short.

Q. You were short an acre?—A. Yes; and my wife.

Q. How much was she short?—A. Just about a little over 17.

Q. Who was the other one that was short?—A. Ellen.

Q. How much was she short?—A. I don't know; maybe 28—28 acres.

Q. Now, when these lands were allotted you, were they the lands you picked out?—A. Well, I took out one, you know, before these allotting agents were around; that is the one I had at the point.

Q. Did you pick out the allotments for your wife and children?—
A. No; I don't think I did.

Q. Well, were you satisfied with those allotments so far as they went?—A. My wife selected her allotment on this point south of Point Grandeville, but these fellows that makes them trust patents, they gave her way up—halfway to the little town from the point and she was not satisfied, you know, because they did not let her know. She was going to take a claim this side of Point Grandeville.

Q. Near yours?—A. Yes, sir; but these fellows you know made

those trust patents, they just helped themselves and fixed it up the way they wanted to put them.

Q. What fellows do you mean?—A. I guess those fellows make these trust patents; I don't know what fellows.

Q. Well, anybody on the reservation—A. No.

Q. Somebody in Washington?—A. Yes; somebody in Washington, I guess.

Q. Well, did your wife finally get the allotment she wanted?—A. Well, she can not do anything; they fixed the trust patent and when we found it out they gave her the wrong one.

Q. How about the five children; did they get allotments where you wanted them?—A. Yes; they got allotments there.

Q. By you?—A. No; by those fellows; makes these trust patents.

Q. Well, were you satisfied with what they got?—A. I can not kick about it, you know.

Q. Is there lumber or trees or good trees growing on your land?—

A. Not very much timber on it; it is kind of a swamp, you know.

Q. Is there on the children's land?—A. Yes, sir.

Q. And on your wife's land is there any timber?—A. Yes.

Q. Well, now, there has been some evidence in reference to 48 acres; what is there about that?—A. Well, this 48 acres, you see, the way I understand it, we were short, the three of us and they filled that up with that 48 acres.

Q. Did you pick out the 48 acres?—A. No, sir; the allotting agent himself picked it out where it is a kind of fraction; they let us have it; there is quite a number of Indians got their fractions filled up with their claims.

Q. Didn't they divide that and say how much was to go to your daughter and how much was to go to your wife and how much to you?—A. No; they tried to make it up, and I tell you this: There is a man called Bliss; he is the man issued the trust patents.

Q. Bliss issued these trust patent?—A. Bliss, and he was to my place and took Ellen's trust patent and he got us to sign it and he sent it back to Washington, and he tried to put that fraction to Ellen's trust patent and they couldn't do it; it just came back again; and Bliss told me they were going to give me a different trust patent for that 28 acres.

Q. Forty-eight acres?—A. Forty-eight acres.

Q. They couldn't give it to her because that would make her have more than her share?—A. Well, it was given to us; that is the way I understand it: that is why I did not make a kick on our shortage on this 80 acres. Now, Archer here, he has been telling you that the instructions from Washington was 80 acres each person should have.

Q. Well, what about it? You didn't get it, is that what you mean?—A. I didn't get it, and they filled that out, you know, where that fraction is.

Q. Now, tell me as clearly as you can, Billie, why do you claim that 48 acres; what makes you think you own it?—A. Well, because we are short; you know each person has got to have 80 acres, and I don't see, you know, why I don't get 80 acres.

Q. But you have no paper, no writing for it?—A. No; but I asked them, you know, and they told me it takes time to fix those and I

had just to wait, you know; I can not make them in a hurry, you know, to give it to me. Maybe I will wait about a hundred years before I get it; nobody knows; that is right.

Q. Now, you heard these gentlemen testify about that meeting you told us about last evening?—A. Yes, sir.

Q. That council over there; were they right about it in what they said here? Do you know whether there were three councils held on this subject or not, one in 1910, one in 1911, and another in 1912?—A. This one happened, you know, this man came in 1911.

Q. First, do you know about the 1910; do you know about the first meeting in 1910?—A. Yes, I know; that is the one you know they claim I signed on it; the man first came up there, tried to get oil leases.

Q. Who did?—A. I don't know what they call him; I don't remember that fellow.

Q. Well, were you at that meeting, you say?—A. Yes; I was right there.

Q. Well, didn't Mr. Johnson explain the objects of the meeting?—A. I think so; I guess he explained it all right.

Q. Did you object to it then? Did you say anything against it, say you were not in favor of it?—A. No; I didn't say nothing.

Q. Why didn't you?—A. Well, that time they first started on that, you know, that was—we was kind of hurrying to let that fellow come in and do the leases, you know, among the Indians.

Q. You were willing to have it done at that time?—A. Yes; and this man dropped off; he quit; he didn't come up.

Q. What do you know about the meeting of the council in 1911? Were you there?—A. Well, I don't know; I don't remember it; I couldn't tell.

Q. You couldn't tell whether you were there or not?—A. No; I could not say.

Q. Do you know whether anybody objected to the leasing at that time?—A. I don't know; I couldn't tell you; maybe I wasn't there; I don't know.

Q. Well, when did the first objection arise: when did you commence to find fault with this?—A. Well, I could not tell you: I don't remember that, you know. I didn't keep track of it; I not tell a lie about it.

Q. You were at the meeting in 1912: in November, 1912?—A. Yes; I was there at that time.

Q. Why didn't you vote against it?—A. Well, now, I go and tell you that so that you can understand it: This voting proposition is different than the white people; now, you understand that? Now, when them Indians adopt these people in who try to get claims up there, and Superintendent Johnson told these people, "You raise up your hand who are willing to adopt these people in," and they raised their hand and he counted. The Indian don't raise their hands; of course, we don't want this fellow.

Q. Well, is he adopted then?—A. No; there is quite a lot of them don't want to raise their hands. That means they don't want him.

Q. And he is not adopted then?—A. Yes; this white people's rule; that is different.

Q. That is not the way Mr. Johnson has conducted your councils up there?—A. Yes; he told them people that way and they don't

raise their hands when they don't want the fellow. That means we don't want this fellow. They don't raise their hands. He says, "Those that are willing, raise their hands."

Q. He testified, and also the farmer, that a majority of those who were present did raise their hands.—A. Well, that is the thing, you see; they make a kick about it. These leases to the tribal lands was to be by these fellows, you see; these people, you know. The people on the reservation were kicking about it. They don't like that and they want to try that over, so they can go by a majority of the tribe, because they was not satisfied.

Q. What was the matter? Didn't they think they were getting enough?—A. Well, they wasn't all there.

Q. Has anybody talked with you and told you they would give more for the leases than was obtained by Mr. Johnson?—A. No.

Q. Has Mr. Adams or anybody for Mr. Adams asked you not to join in these contracts?—A. No; nobody told me. I just think that way; I don't want to lease no land, you know.

Q. How do the others feel about it? The others want to lease their land, some of them?—A. Yes; but they don't do that. Now, there is some of the leases H. H. Johnson was counting, named there—Sammy Hoh, he told me he didn't lease this land for oil lease; he gave this land to get Johnson to have it sold so he can make use of the money, you know. He is sick all the time. The same way with Wakatup. He didn't lease that land for oil; he put it up for sale, and when they signed their name they say they leased for oil; but that is not it.

Q. Do you mean to say that Mr. Johnson and the other people deceived them and did not tell them what they were signing?—A. Yes; they told them—no, I don't think, because these fellows went and fixed these always, you know; they wanted it for to sell, not for oil leases.

Q. How many of them?—A. Well, there is Wakatup, I heard; and Sammy Hoh told me the same thing.

Q. They have leased their land, have they?—A. Well, when they signed, you know they claim they leased it for oil, but that is not the way they signed, you know, to have it sold; that is the way so they can make use of the money while they are living.

Q. Do you want to tell the committee of anything else that is wrong up there?

Mr. ROSCOVIUS. Excuse me; Harry Skald don't think Mr. Garfield understands that.

Mr. SKALD. Gentlemen, I have been sitting down here; excuse me for making disturbance: John Wakatup—Mr. Roscovius, in charge of reservation; he knows that at the time Mr. Adams was at Quinaielt, in the reservation, he made contract to make himself the holder: Wakatup, he was brought by Billie Mason over at Mason's place to make a contract with Mr. Adams, and Billie Mason had told Wakatup, an old man, one of the natives of the Quinaielt Reservation, he has been there for years and years; he told Wakatup that Mr. Adams was to buy this 80 acres from him and he signed it. You see, Mr. Adams—he told Wakatup that he was going back over to the headquarters at Washington, D. C., at Indian Department, mind you, and when he comes back that he is going to buy this 80

from this old man and he is going to handle the money right direct with the old man.

Senator TOWNSEND. What is your name?

A. My name is Harry Skald.

Senator TOWNSEND. Do I understand you to say that Mr. Adams—

Mr. SKALD. I am just using the language that Mr. Garfield is telling.

Senator TOWNSEND. Now, did you say Mr. Adams told Wakatup, that Indian, that he was buying his land—that Adams was buying Wakatup's land?

A. No; that Mr. Adams is now taking Wakatup's land for sale; that he will, in time, sell the land later on.

Senator TOWNSEND. Does Wakatup have a patent?

Mr. SKALD. I am not talking for myself—

The CHAIRMAN. You sit down; your time will come next.

Senator TOWNSEND. Now, Mr. Garfield, tell me, was it Adams who was getting this oil lease of Wakatup?

A. Yes; that is the way; this kind of business, you see, it is all kind of mixed up; I was just surprised when I see them talking right here—what H. H. Johnson was saying when he was sitting down right here; he showed those papers. Now, when Jackson and his wife get hold of that they will be kicking like everything; their names was written on the leases you know, but they leased their land to Adams.

Q. Oh, they have leased their land to Adams and Lane both?—

A. Yes; that is the way I seen it here to-day. You see, H. H. Johnson got their names down on his book to Lane; at the same time Adams got the lease from Jackson, too; I was just surprised when I see them, you know.

The CHAIRMAN. You said a while ago that the Indians signed certain papers understanding them to be contracts of sale and they turned out to be leases?

A. Yes.

Q. Now, then, who took those contracts which turned out to be leases which the Indians understood to be sales?—A. Well, there was two fellows here, now—Adams and Lane.

Q. Adams and Lane, both?—A. Yes: Adams got Jackson's.

Q. Was it both Mr. Lane and Mr. Adams that got the Indians to sign leases on the theory that they were going to sell the land?—A. No; only Adams was up there making arrangement with the people; but Lane, he never came up there; we never seen him make arrangement with the people.

Q. Then it was Adams that took the leases, claiming that he was taking contracts to sell the land, was he?—A. Yes, sir.

Q. Now, do you know how many Indians that happened with?—A. No; I don't know.

Q. Well, name one.—A. Jackson was one.

Q. Jackson and his wife?—A. No; Sammy. And old Wakatup. That is the ones I heard say it. They were to sell it—not for oil leases.

Q. Did they tell you for what price Mr. Adams was to sell their lands?—A. No; they just put it that way. They made a kick about

it when they found out they were oil leases, but they did not sign for that; they signed it for sale.

Q. Do you know any others besides those you have mentioned that signed leases when they thought they were signing contracts to sell?—A. I am not sure, but I think Chow Chow is one that wanted it for sale—old Andrew Martin, they call him.

Q. What was his Indian name?—A. Hamala.

Q. Why didn't the Indians want to lease their tribal lands? Did they object to leasing their tribal lands? What did they want to do with them?—A. Tribal lands?

Q. Yes.—A. Well, that is the ones they are kicking about, you know.

Q. I know; but what did they want to do with it?—A. They wanted to have another meeting about it.

Q. I know; but if they had another meeting, what would they want to do at the meeting? If they were dissatisfied with what was done at the other meeting, what did they want to do at the next meeting? Supposing we had another meeting now, what would you do about it? Would you lease the tribal lands?—A. No; I couldn't tell you. You know this has got to go by the majority of the tribe, you know; that is the way they want to have it.

Q. They want to talk it out?—A. They want to see how many will be willing at that time then.

By Representative CARTER:

Q. Did you see these papers that Adams took from this old man that you tell us about?—A. No; I couldn't say that, you know.

Q. That is all I want. Did Adams tell him that that was giving him authority to sell his land, or did he tell him it was really selling the land? Which did he tell him?—A. I could not tell you that. I was telling you I heard them fellows say that.

Q. What did these fellows say—that they gave Adams the right to sell their land? Is that right?—A. Yes; that is the way they say.

Q. Give him a power of attorney?—A. They wanted it for leases; that is what they told me.

Q. He was going to sell their land and bring the money back to them; is that it?—A. That is what I heard.

Q. And the old man says now it turned out to be an oil lease?—A. Yes.

Q. After Adams signed?—A. Yes; that is the way they heard it now.

By Representative BURKE:

Q. Garfield, how much Indian are you? Full blood?—A. Full blood.

Q. Where did you go to school?—A. Tahola.

Q. Did you go anywhere else except there?—A. No; stayed right there at the old town.

Q. If you had your lands or your allotment so that you could handle it yourself, do you think you would keep it, or would you sell it?—A. Oh, I think I'd keep it.

Q. Have you ever made application for a patent in fee? Have you ever asked for a fee patent?—A. Yes; I was trying, you know.

Q. Did you ever make an application? Did you ever file an application, or did you just talk about it?—A. Just talked about it.

Q. Why don't you make an application; if you want a fee patent, why don't you make an application? Do you want a fee patent?—

A. Yes; that is what I want, you know.

Q. How do you know you can not get one unless you make an application? Why don't you make an application for a patent in fee?—

A. Well, I am going to try, anyhow.

Representative BURKE. Well, I think you had better.

Senator TOWNSEND. That is all.

The CHAIRMAN. That is all.

(Witness excused.)

STATEMENT OF HARRY SKALD, TAHOLAH, WASH.

Harry Skald, being first duly sworn by the chairman, testified as follows:

By Senator TOWNSEND:

Q. What is your name?—A. Harry Skald.

Q. Are you a full-blood Indian?—A. Yes, sir.

Q. What tribe?—A. Quinaielt Indian.

Q. Where do you live?—A. Taholah.

Q. What do you do for a living?—A. Fishing.

Q. How old are you?—A. About 37; I haven't got the exact age.

Q. Are you married?—A. Yes, sir.

Q. How much of a family have you?—A. I and Mrs. Skald.

Q. Any children?—A. Yes, sir.

Q. Were you at this council held in 1910, called by Mr. Johnson for the purpose of considering the leasing of the oil land?—A. I was not present at the time.

Q. Were you there at the next one, in 1911?—A. I was not there; generally, as a rule, I am there as interpreter, when they hold their councils at the Quinaielt Indian Reservation.

Q. You were not there at either one of those meetings?—A. Neither one of them.

Q. Why weren't you there?—A. I was somewhere else.

Q. You knew about it, did you?—A. Heard about it.

Q. Couldn't get there?—Oh, I heard something about it, but it wasn't my business; I wasn't around there, and it wasn't particular business of mine.

Q. Weren't you interested in the tribal land?—A. I am; but I don't think it was worth while for me to hang around just for that purpose.

Q. You didn't care anything about the oil leases?—A. No, sir.

Q. Were you at the meeting in November, 1912—council, this last November—when they had a council down there on this same subject?—A. No, sir; I was not there; my brother-in-law was there—interpreter at the time.

Q. But you were not there?—A. No; I was not there.

Q. Did you want them to lease their lands or not?—A. I have no jurisdiction whatever over the other people there; I have nothing to say; I attend to my own affairs.

Q. Are you willing, so far as your own interests are concerned, that the tribal lands should be leased for oil, as far as your interests

are concerned, not talking about the others, but yourself? Do you have any objection?—A. Repeat that question.

Q. Do you have any objection to the leasing of those lands down there for oil purposes, so far as your interest is concerned? I am talking about the tribal land now.—A. About the tribal land?

Q. Yes.—A. Why, according to the lease that was drawn by the departments, it seems so, that the department seemed to think that the natives of North American Indians—he still thinks so—that we, the North American Indian, you know, that we are still wild; yet a whole lot of the natives of the Northwest, of the Indians here, are as good educated as any other people; I don't think that they can hold us under that jurisdiction. We feel so, that as Indians we are capable to attend to our own affairs.

Q. Do you think all the Indians down there are?—A. The biggest majority are.

Q. Don't the majority down there have to depend upon you and Billy Garfield and a few others to look after their business?—A. No, sir.

Q. You are leaders down there?—A. I don't lead nobody; I attend to my own affairs.

Q. Did you call on Secretary Lane when he was here?—A. Yes, sir; I appeared before him.

Q. What did you appear before him for?—A. On what subject?

Q. Well, on what subject did you appear before him? What was your object in going to him?—A. Why, we had a telegram to come over here and meet him.

Q. Did you talk to him about these leases?—A. We met him and shook hands with him and he told us to meet before his assistant.

Q. Who was that?—A. One of his assistants.

Q. Did you go before that assistant?—A. Yes, sir.

Q. Did you tell him about these leases?—A. Yes; and we all asked him in regard to 80 acres more for each head of the family.

Q. You wanted 160 instead of 80?—A. Yes, sir; and we were refused of taking our own selection in the Quinaliet Indian Reservation.

Q. Now, we want to keep it to these oil leases, if we can, just now. Did you tell the Secretary that you had not been treated right about these oil leases?—A. Well, I was interpreter at the time with Mr. Garfield—William J. Garfield—you see one of his children—

Q. Well, I know about that 48 acres; I am going to get around to that pretty soon. I am talking about the other land. Did you tell the Secretary of the Interior that you were not satisfied with the leasing, or the proposition to lease, the tribal lands for oil?—A. Well, the tribe is not satisfied—

Q. Can't you just answer this question: You can tell me yes or no; did you tell the Secretary of the Interior when he was here, or his assistant when you met him, that you were not satisfied with the way they had been handling the tribal land down there?—A. The tribe is not satisfied; excuse me for answering—yes, sir; the tribe is not satisfied.

Q. Did you tell that to Secretary Lane?—A. We did.

Q. How many of the Indians down there have you talked with about this?—A. The whole tribe.

Q. The whole tribe?—A. Yes, sir.

Q. Have you talked with all the Indians on the reservation?—A. They all live there in the village.

Q. Well, there are some that do not live in the village?—A. They all live there.

Q. You have just talked with those in the village?—A. They all live there.

Q. Well, answer my question; those are the ones you have talked to, those that live in the village?—A. Why, I didn't talk to them, but all the boys, Garfield and Mason, and all the rest of them.

Q. You have not talked with them?—A. I did a majority of them. They generally meet ever so often.

Q. Well, some of the Indians down there have leased their lands, their allotment, haven't they?—A. Yes, sir; they have.

Q. Are they satisfied with their leases?—A. I don't know; I presume so.

Q. Well, do you know whether there has been any attempt to get leases from Indians down there by improper means, by deceiving them?—A. I don't know, sir.

Q. You don't know whether anybody has asked for a lease or asked for a contract to sell land when it turned out to be a lease that he obtained?—A. I do not; I don't interfere with somebody else's business; I attend to my own.

Q. Have you been treated all right, Mr. Skald?—A. I have.

Q. Have you leased your place for oil?—A. I have not; there has been several have requested me to lease mine, but I have not; but I know where I am at and I attend to my own affairs.

Q. Did you hear any of the Indians who have made leases, or rather who have not made leases, complain that they were not getting enough royalty under these leases?—A. I don't listen to any such foolishness.

Q. That is foolishness, is it?—A. I don't listen to gossiping; I have business to attend to.

Q. Did you talk with Adams when he was down there?—A. I have met him.

Q. Did he tell you he could give you a bigger royalty for your oil?—A. Well, he couldn't tell me; he couldn't tell me nothing; the leases were made out by the department; he couldn't tell me that, because I am as good read man as he; all the leases were made out by the Government; he didn't say that, nothing of that sort.

Q. The royalty is the same in all these leases?—A. Yes, sir; the same—everyone that was over there: now there is the Indian Oil Co.; it is now over at Taholah; just the same price; every bit of it.

Q. Who is in the Indian Oil Co.?—A. Oh, it is quite a big concern, I guess.

Q. Do you know of anybody that is in it?—A. Why, J. A. Paulhamus is manager of that Indian Oil Co.

Q. Is there anybody else that you know of that is in there?—A. He is the manager, is all I know, because he is working over here, and that is all I know.

Q. Now, Billy Garfield claims they are commencing operations on that 40 acres he thinks he is entitled to?—A. Now, I can not say; Garfield is a cousin of mine and I know the place; I am working there every day.

Q. Well, is this place where they are working on that 40 acres that Billy claims?—A. I can not tell you that; I believe it is; I don't know; I wouldn't swear before a court or anywhere else; it must be either his or Capitan's place.

Q. Do you know anything about that 48 acres? You started in to talk about it a little while ago.—A. I don't know.

By Representative CARTER:

Q. Did you see Mr. Adams when he was down on the reservation, you say?—A. Yes, sir.

Q. And talked with him?—A. Yes, sir.

Q. What was he doing there?—A. Well, he was over there prospecting, I presume.

Q. Prospecting for what?—A. For oil.

Q. And was he taking any leases?—A. Yes, sir; he was; but I didn't stay around there; he and Mason was together.

Q. Did you ever see Mr. Adams before then?—A. No, sir.

Q. Do you belong to the Brotherhood of North American Indians?—A. I do.

Q. Where did you join—here or in Washington City?—A. Here.

Q. How much did you have to pay in dues when you joined?—A. A dollar a year.

Q. You have had to pay a dollar a year since then?—A. No; I resigned the first year.

Q. Are there many Indians on that reservation that belong to the Brotherhood of North American Indians?—A. No; they resigned, every one of them; after the first year they resigned.

Q. How was that?—A. At the end of the first year they resigned.

Q. They resigned?—A. Yes, sir.

Q. Withdrew from it?—A. They don't belong any more, excepting Billy Mason.

Q. What was the reason they withdrew from it?—A. I don't know; I can't tell you; each person's opinion is different from mine.

Q. You still belong to it?—A. No, sir; I withdrew.

Q. Why did you withdraw from it?—A. Things didn't go as I thought they should; your opinions and mine might be different in that regard.

Q. What were the opinions that you didn't like?—A. Well, things didn't go just as—

Q. Well, can't you name some particular thing that didn't go right; if things didn't go right you ought to know what it is.—A. He is supposed to be one of our—he is one of our advisors, and advises everything and keeps us posted over here, you see.

Q. Well, did he advise you not to tell why you withdrew from the association?—A. Well, he is supposed to keep us posted.

Q. Well, but did he advise you?—A. Since he failed I went out of it; that is plain enough.

Q. He didn't do as he agreed to?—A. No; that is plain enough.

Q. Did you get a notice about the second year's dues coming?—A. Sir?

Q. Did you get another notice about money being due the association from you, the second year?—A. Yes, sir; you see I am one of the second-grade chiefs, and I answered him right back that there is nothing stirring.

By Representative BURKE:

Q. Now, the objection to making all leases among the Indians is because the Indians want the privilege of making their own leases, is that the objection? That is, they think they are Americans and they ought to have a right to lease their own property? Is that their position?—A. Well, that is right in one way; they feel so, before leasing their land, or my land, for instance, speaking for the tribe of the Quinaielt, we feel so that we should not lease our land until we get our patent in fee, and then we are entitled to the land what we have got now.

Q. Well, what about the tribal land?—A. Well, that comes before the tribe; we feel so that the tribe of Quinaielt Indian Reservation should have their meeting and decide the case.

Q. Without any supervision by the Government at all?—A. They put the bill before the Government; they feel so that Mr. Johnson, the superintendent, has no right whatever leasing this tribal land to Mr. Lane or Mr. Stone or any other oil man, to put in a well in there in the reservation.

Q. I understand it.—A. We, of the Quinaielt Indian Reservation feel so that we had a right to say something about it.

Senator TOWNSEND. Would you like to have your patent in fee?

A. Yes, sir; I would like to.

Q. Are you going to ask for it?—A. We are going to put in the bill; yes, sir. We have already put in the bill before Mr. Lane.

(Witness excused.)

STATEMENT OF JOE CAPOMAN, TAHOLAH, WASH.

Joe Capoman, being first duly sworn by the chairman, testified as follows:

By Senator TOWNSEND:

Q. What is your name?—A. My name is Joe Capoman.

Q. Were you the interpreter down there at that meeting in 1912, were you?—A. Yes; I was carrying on a little to the Indians. He talked in English and I tell them in Indian language.

Q. How long before the meeting was held did you know it was going to be held?—A. Oh, about three quarters of an hour or an hour.

Q. How many days before the meeting, before Mr. Johnson came back there, did you know he was coming?—A. That was the time; they just notified the people to come to the meeting, so we rushed over there in a little or no time.

Q. How many were there?—A. I could not tell; I did not count them.

Q. How many do you think there were? About how many?—A. I should say about 50 of them was there.

Q. Fifty men who were entitled to vote?—A. Not all of them.

Q. How many of them were there who were entitled to vote?—A. I think there must have been about 15.

Q. About 15?—A. Yes.

Q. I guess you didn't understand me; I didn't mean how many did vote, but I meant how many Indians were there who could have

voted, had a right to vote if they had wanted to?—A. There was 15 of them was willing to vote, and so they voted for it.

Q. Were there any others there?—A. The rest of them did not like to vote, so they didn't vote; they couldn't vote both ways.

Q. Did he put the votes both ways?—A. Did he put the vote to us? Fifteen of them was willing to give tribal lands to drill on.

Q. Did he ask those opposed to vote?—A. Yes, sir.

Q. And they did not vote?—A. Yes.

Q. Did you vote?—A. No.

Q. Why didn't you vote?—A. Well, I didn't care.

Q. You didn't care whether they leased it or not?—A. Yes.

Q. You think the others felt as you did about that?—A. Of course, I know this, as you see, that we can not get any red cent out of that leased land or we would have leased it before. Now, my child leased land once before—that was the time Mr. Bishop was there; I think that was about 1910; and he took me over to his office, and I had to assign for that child—he is my little fellow; he was about a year old at the time; he had an entire 80 acres of land, and he was having me to sign for him to lease that land for oil, and he told me there was to be about 15 cents an acre to pay, and that would be about \$12 every year; he should be paying in a year's time; so, after about the 29th of November, I think, 1910, when I went over in Mr. Roscovis's office there I asked him if he knew anything about that oil lease; he said he didn't know anything about it. Then Mr. H. H. Johnson came over to the other meeting, and I asked him about it—there was a meeting of some other kind, and they have adopted tribes there, outsiders; it wasn't for oil council meeting at that time—so he brought it over; he said that lease was refused; he says this oil-well company—the Government told him he had to put up bonds of \$10,000 before he can let them drill; but he said the oil-well drill company didn't put up the money; he said that is the reason why that lease was dropped; he said there was no more sign of it.

Q. Those who have been leasing their land lately have got their money, the 15 cents an acre?—A. No, sir; you see, that 1-year lease, we didn't get a red cent out of it.

Q. Yes; that first one; but I mean under this lease.—A. He didn't give no money.

Q. The agent got the money?—A. Yes; I hear him say he got \$8,000 out of that lease; but no one else knows. That is the very time I know it; now, he didn't have agreements—of course, he made agreements for oil-well companies that they pay about 15 per cent; they pay about \$100 down; that is, when they drill; but if you got to wait 5 or 10 years before they quit drilling on my land—for instance, if I lease my 8 acres before he drills I couldn't see that \$100.

Q. You understand, from Johnson's testimony, that all these leases that have been issued, that they have to put up 15 cents an acre when they sign the leases?—A. Yes.

Q. Put it up with him whether they prospect on the land or not?—A. Yes, sir.

Q. Well, are you objecting to that?—A. Well, the rest of them object, but not me.

Q. You don't object to that?—A. No; because I don't give leases, whatever, since that time my child here—I say, you have written on

the paper here, this lease, before I know it; they never notified me about it.

Q. Is your child one of these parties?—A. Yes; Harry Capoman that they mentioned here.

Q. How old is he?—A. Two years old.

Q. Didn't Mr. Johnson talk with you about that?—A. Never nothing about it. That is the first time ever I know he had his land leased. That is the God's truth. He never told me about it. There is Mr. Roscovius; he is our subagent; he knows he never called me in his office there to have me sign.

Q. How many children have you?—A. I have got seven living.

Q. Any more of them have lands leased?—A. Them children?

Q. Yes.—A. Nobody else but this one child that leased up before.

Q. Well, now, do you object to that leasing of your child's land?—A. No, sir.

Q. You are not objecting to it. Do you know of anything else you want to talk about?—A. Well, I like to talk about my rights.

Q. Well, tell us about it.—A. You see I have got two dead children that I want to get a patent in fee, so I can sell their land and make use of it.

Q. Oh, you want to get a fee for your children?—A. Yes; for my dead children. Of course, I don't care about what children that are living, you see; but, you see, I have to work and leave that land to make money, and I have got big expense with my family sick, and I have doctors' bills. I came here to Tacoma for doctors, and I been to Aberdeen and Hoquiam. I have wife at Portland in sanitorium there. She is right there, and there she got 80 acres we would like to put it up for sale, so she can make use of that money before she died.

Q. Have these two dead children of yours been allotted land?—A. Yes, sir; they are allotted land.

Q. So they have their allotments all right?—A. Yes; one of them has got patents and the other didn't get any patents yet.

Q. Trust patents, you mean?—A. Yes, sir.

Q. What kind of land is that?—A. Well, they gave me land—several compass men gave me claims right upon the mountain. I am satisfied with that until this last time. He was to allot me before, and he canceled it, and later on he gave me those claims right on the mountain.

Q. Don't you know what kind of land those two claims are?—A. He told me there was a little timber on it.

Q. Didn't you ever look at it?—A. He told me it was on No. 2 section.

Q. Do you think you could sell it?—A. That is, if I had rights for it.

Q. Who would buy it?—A. The shingle-mill men have been buying timber there all the time.

Q. You could sell it to him?—A. I might if I could have a chance.

Q. What could you get for it, do you think?—A. Those people are giving all the way from \$100 an acre; but I think that is enough, for just the timber, you know.

Q. And then you would keep the land?—A. Then I don't think they keep it; I don't know about how they do to the people; they

claim it land and all, but what my land was, if I could have a little bit timber. I want to get rid of the timber so I could make use of the agricultural land.

Q. Haven't you any timber on your land?—A. Not much; I have fractions that I have got all cleared up.

Q. Are you working any of your land?—A. Yes, sir; you bet your life I am working.

Q. How much?—A. I haven't had it but about 22 years; I am hard-working man; I have got over 30 acres.

Q. That is cleared up?—A. Yes; that's cleared up.

Q. What do you raise on it?—A. I have got cattle there and horses; raising my vegetables, potatoes, pumpkins, cabbage, carrots, beets, radishes, and everything.

Q. All that you need?—A. Yes.

Q. Do you want to get a patent in fee for your land?—A. Yes; I would just as soon have it; it is time for me to change now; my father and grandfather was not entitled to that since 65 years old; I think it is time now before I die to be changed.

Q. You are willing to take a deed of your own land?—A. Yes, sir.

Q. And pay the taxes?—A. Yes, sir.

Q. The same as other people?—A. I know what the taxes are, and I think I can manage my own affairs.

Senator TOWNSEND. I think you can, too. I think that is all.

Mr. ARCHER. If the Chair will permit me, the family owns about a thousand acres of land on the Quinaielt Reservation; his wife is dying of tuberculosis, and the man wants to get some immediate action whereby he can take care of her. The matter was taken up with the department; application was made on the date of April 14 to the Indian Office asking that he be permitted to sell a portion of his land there to give her immediate relief.

Representative BURKE. That is inherited land?

Mr. ARCHER. No; that was his own land.

Representative CARTER. His or his wife's?

Mr. ARCHER. Later on application was made for his wife's, but nothing was done in regard to it until later on the Board of Trade of Aberdeen took it up and wired the department, and they immediately put \$200 to the superintendent's credit, but prior to the receipt of that money he borrowed some money and took his wife over to Portland and placed her in the hands of the Matson Bros.—they have a sanitarium there. I saw a letter a few days ago from the doctor; they said it was almost a hopeless case; that if the woman had been brought there five or six months ago there was a possibility of a recovery. They would not advise sending her home for the fear of infection, and some more funds ought to be immediately put to the superintendent's credit to continue the care of that woman, to see what can be done for her.

Senator TOWNSEND. Has he made application for more funds?

Mr. ARCHER. I don't think the superintendent has. The department suggested they would send a cruiser to cruise his wife's claim and see whether it should be sold. Now it will have to be advertised, and it will be anywhere from 90 days to 6 months before application can be taken on it. I made a statement here this morning, and I think it is true—I don't think any of these Quinaielts should sell their land; I believe they will get as much with the timber on it

to-day without their lands as they would with the land, and I believe they should keep their land.

Senator TOWNSEND. You think they could work their land all right?

A. Some of them along the river bottom can work their lands, but those who have uphill land can not work it unless they sell the timber on it and the proceeds are used toward working the land; some of that land will take from three to five hundred dollars an acre to clear it.

Senator TOWNSEND. After the timber is off, you mean?

A. Yes, sir; after the timber is off. Now, there is one little dissatisfaction there regarding the allotment work in the Quinaiets. When I went there most of these people wanted their lands along the river bottom; they would not go away from the river. Naturally they got lands along the river, and naturally the timber is becoming more valuable; they would like the change.

Representative BURKE. Your theory is, if I understand you, if the timber was sold without the land it would bring just as much as it would with the land?

A. It would bring just as much, sir.

Q. Now, you don't believe that this generation would probably get any benefit out of the land, but some future generation would?—

A. Yes, sir; the younger generation would, and a portion of the proceeds of that land should be spent on the land. The Indian himself, if competent to clear up some of it—10 acres or so—seeding it to grass and maybe putting cattle on it.

(Witness excused.)

Mr. BISHOP (interposing). I am quite positive you have it wrong, and I would like to have—

Senator TOWNSEND. What is wrong, Mr. Bishop? Name some particular thing.

Mr. BISHOP. In regard to the deeding on the 28th, and in regards to the people asking for the sale of land and giving oil leases. I think that statement is entirely wrong. Those two questions is all I care for.

TESTIMONY OF BILLY GARFIELD—Recalled.

(Jerry Meeker sworn as interpreter.)

By Senator TOWNSEND:

I will ask him this question. If I understand Mr. Bishop correctly, Garfield has not told just what he wanted to tell about the leasing of lands to both Adams and Lane. I will ask you this question: Did you say that Mr. Adams obtained a lease from Wakatup with the understanding that he was giving him a contract for the sale of his lands?

Interpreter MEEKER. Why, this Indian—whoever he is—Wakatup told him this, that at the time he was making arrangements with Adams, he understood at the time that he was selling this land and not leasing, and after he had signed, then he learned that he had leased this land.

Senator TOWNSEND. Well, that is what he testified before; there is no change in that; he told us that before.

Representative CARTER. What is there wrong about that?

Senator TOWNSEND. I will ask you this question: Did Wakatup—you can answer this “yes” or “no”—did Wakatup lease his land or is his land leased to Lane? Is Wakatup’s oil land leased to Lane?

A. Well, I just got mixed up. I told you that before.

Q. Well, will you tell me now? Answer my question.—A. I told you when I heard H. H. Johnson right here; he has got the lease showing that Wakatup was leasing land to Lane.

Q. Is that all you know about that—what Johnson said?—A. That is all I know. Wakatup told me he put that land up for sale, and not for oil lease.

Q. Put it up for somebody to sell?—A. That is the way he told me. Put it up to sell.

Q. He gave it to Adams?—A. Maybe Adams or Lane. I don’t know which one it was, and Sammy Hoh say the same thing to me—

Mr. BISHOP (interposing). This is in regards to an affidavit, you see. You will understand that Mr. Adams took the affidavit, that this did happen. Now ask him in Shinook (if you want to) if Adams is the party that took the contract; if Adams is the party, or Johnson is the party that took the contract to sell the land and turned him the lease instead of the land—gave him a lease.

Senator TOWNSEND. I don’t suppose you know anything about it except what Wakatup has told you?

A. Yes; I heard him say, and Sammy say, the same thing.

Q. What did you hear Wakatup say?—A. That he put it up for sale and not for oil lease.

Q. Did he put it up for sale in Johnson’s hands?—A. I don’t know whether Johnson or Adams or Lane. Sammy say the same thing. I don’t know which one.

Senator TOWNSEND. That is all right. I think we understand, Mr. Bishop, what he means. It is all hearsay, anyway, what he has got. (Witness excused.)

STATEMENT OF T. G. BISHOP, OF TACOMA, WASH.

T. G. Bishop, being first duly sworn by the chairman, testified as follows:

Examination by Senator TOWNSEND:

Q. Where do you live, Mr. Bishop?—A. Tacoma.

Q. What is your business?—A. I am retired at the present time.

Q. Not any business?—A. No, sir; not now.

Q. Do you represent these Indians?—A. I have in an informal way.

Q. Are you attorney for them?—A. No, sir; I was just asked to act for them. This last three years I have been acting for them mostly through the brotherhood and through Frank Law.

Q. Are you hired by them?—A. No, sir.

Q. You don’t receive any compensation?—A. No, sir; nothing at all. Not a cent.

Q. Now, you have some papers?—A. Yes, sir.

Q. You told me about bringing up some?—A. Well, I think I have them, in regard to Mr. Adams’s correspondence; it wasn’t quite clearly understood; I said I was going to get a letter; this is the one.

Q. This is a letter from Mr. Adams or a copy of a letter from Mr. Adams to Frank Law; who is Frank Law, Mr. Bishop?—A. He is secretary for the brotherhood over there, and he is a brother.

Q. Is he an Indian?—A. Yes, sir; half blood; member of the Quinaielt Tribe.

Q. Is this the letter to which you referred last evening when we had our informal talk?—A. Yes, sir; one of those letters.

Q. In which you explained Adams was going to do something for him?—A. Yes, sir; but I didn't know but what those affidavits were not delivered; we wanted to know, and you said you would send a telegram; I don't know whether he delivered the affidavit or not.

Q. We haven't heard yet.—A. That is only just informal; that is only two of the notes I got for him so as to show they wanted me to do their work for them in a formal way.

Q. Well, now here is a letter to you, Mr. Bishop, dated August 20, 1913, in which he advises you to notify the Indians out there that Walter B. Raymond does not come onto the reservation to obtain leases with his consent.—A. Yes, sir.

Q. Who is Walter B. Raymond?—A. I don't know.

Q. Did such a man come here?—A. Not to me.

Q. Well, did Adams ever say to you that he wanted to get these leases for himself?—A. No, sir.

Q. But he states in this letter that he wants the Indians to turn Raymond down cold when he comes after these leases?—A. Yes, sir; I don't understand that part of it.

Q. You don't know what he means by that?—A. No; I don't.

Q. Now, now, are these all the letters you have upon which you base your statement that Adams made some statement in a letter that he would explain things further when he came?—A. Yes, sir; isn't that in one of these letters?

Q. He says he is going to do something in the future for the Indians.—A. Yes, sir.

Q. There is nothing in there improper that I can see. Who is Frank, Frank Law?—A. Frank Law; yes, sir.

Q. Tom? That is you?—A. Yes, sir.

Q. What meeting does he refer to here in his letter of August 20?—A. Oh, with Secretary Lane.

Q. Secretary Lane?—A. That is the meeting he spoke of at that time; you see, they wrote and asked me if I would not see that the boys got a hearing.

Q. Now, Mr. Bishop, is there anything else you want to tell us with reference to these matters that have been testified to here or other matters that you know about?—A. The boys over there, generally speaking, wanted me to see that these boys were properly treated—Frank Law and Billy Mason—Chief Mason instructed me to be very careful and see that they were all right and properly treated, because they were so easily confused.

Q. By us?—A. Yes, or anyone; of course, Secretary Lane, in the first place; I told Frank Law by telephone the other day that this committee was coming out, and it was very necessary that they should send a committee over, and he said they couldn't do it unless they got a few days' notice, because the boys were so scattered around; but if they could not get anyone else they would try to get those three boys, the same ones, back; and he says, "Tom, be sure they

don't get confused and get mixed," and I think he said, "All we will have to do, the committee will ask us to verify the affidavits which we have placed in the hands of Mr. Adams," and I have been sort of disappointed that we could not get more, as all I thought was needed was in regard to the affidavits that we gave Mr. Adams; and we thought, and I did—they and I; I get over there pretty often—that you were in control of them, and it takes so long that it is impossible now for us to do anything, and we are sort of disappointed.

Q. Mr. Bishop, do you mean to say that there is anything in those affidavits that you acknowledge and which were given to Adams that is wrong now and that you want it changed?—A. No, sir; there is one part, you know, in regard to Billy's affidavit in regard to the voting at that meeting. The general feeling of the affidavits given at that time was that 15 voted, and the ones that did not vote were against it, and they said that is their rule, that is their rules—that the ones that don't vote in the affirmative are against it.

Q. Now, the affidavits were on the supposition that they were not given any opportunity to vote on the other side. You are satisfied that is wrong, aren't you?—A. Yes, sir; I am satisfied now that the boys when they did not vote were against it.

Q. But they had an opportunity to vote, but did not vote?—A. Yes, sir.

Q. What else did you want to say that we ought to know?—A. Well, I think the boys over there would like for you to get those affidavits, if Mr. Adams hasn't delivered them; is there a way you can get them?

Q. Well, I don't know how we could get them, I am sure. Of course, if we get hold of Adams we could subpoena him and ask him to present the papers if he had them; we have asked for the papers. What else is there in those affidavits that is important on this subject?—A. About this woman selling this land; you know that is—

Q. Now what does this affidavit say about that?—A. It says that about three years ago she got the farmer in charge to write Mr. Johnson and ask him if he could sell the land for her, as she was now getting old and she was alone; she had lost her husband and child, and she had but one piece of property, and that she could sell it for \$8,000 and not to sell it unless he got \$8,000 for it; and further, that in a little less than two years afterwards, after she notified Mr. Johnson, Mr. Johnson notified the farmer in charge that he had sold the property, and there was to her credit \$3,250, and she was entitled to \$20 per month, and further that for five months she got her \$20 a month, and in three months she didn't get any, and that she had to go around amongst the neighbors and get something to eat, and she needed the \$20, and that the next day—she has given another affidavit—the next day she came back and told me she got her money right away.

Q. Who did she say offered her \$8,000 for this land?—A. She said she could get Mr. Smith to take it for \$8,000. One thousand dollars down and \$1,000 a year afterwards.

Q. That Smith had offered her that?—A. No; she said she could sell it to Mr. Smith for \$8,000.

Q. That she had been offered that?—A. No; she did not say that; she said not to sell it for less than \$8,000, as she could get \$8,000 for it.

Now that was the sum and substance of the affidavit. The affidavit was made out, and I made out so many there—there was an awful many there—a great pile of them dealing on the irregularities of Mr. Johnson: they claimed he was neglecting their work, and they came right there and kept me right there making out affidavits for four days.

Q. Can you account for Adams withholding those affidavits, Mr. Bishop?—A. No; I would like to know if they were filed, or why he didn't do it.

Q. Well, have you got in touch with him to ask him about it?—A. No; I wrote to him.

Q. I think that would be a pretty good thing for you to do.—A. I ought to wire him.

Q. If he is working for your people he ought to present those affidavits; if he presents them we will get them.—A. If he don't present them, is there a way you can get them from him?

Q. Why, there is no way for us to get them: he might say they are destroyed or not in his possession any more.—A. Well, if he is that kind of a man I want to know it.

Q. I don't say he would, but he might do it: there is no way for use to get those papers unless he can find them: but it seems to us the people who are interested in them, who made the affidavits, should demand them; certainly they can get them if Adams is working for their interest.—A. The boys over there, according to the work I did there for them, want the removal of Mr. Johnson.

Q. Where is that?—A. At Quinaielt; they want the Quinaielt agency taken away from Mr. Johnson, have it separated.

Q. You mean the town of Taholah?—A. Yes, sir; the Quinaielt boys; there is some not living in Taholah, digging clams in the clam season just on their reservation, you understand, and the way they want—they would be satisfied if they would remove him and leave it to Mr. Roscovius or to anybody; they don't say who it is to be; they are not at all satisfied with Mr. Johnson.

Representative CARTER. This town of Taholah is an Indian village, is it?

A. Yes, sir.

Q. Nobody but Indians live there?—A. Yes, sir; there is quite a few; there is an agency and there is a minister—Mr. Roscovius can tell you better.

Q. You have been there?—A. Yes, sir; quite often.

Q. I mean there is no white settlement there?—A. No, sir; they have two stores, trading posts.

Q. Where were you when you took these affidavits?—A. At Chief Mason's house.

Q. At Taholah?—A. Yes, sir.

Q. Did you go over there for the purpose of making them, from here?—A. They wanted me to come over to do it and I told them I would the first chance I got.

Q. The Indians wanted you to come over?—A. Yes, sir.

Q. Which ones was it?—A. Frank Law and Billy Mason: Billy Mason comes over pretty often.

Q. He is mixed blood, isn't he?—A. No, sir; Mason is chief.

Q. Law is?—A. Yes, sir.

Q. How did they let you know they wanted you to come?—A. Billy Mason came over.

Q. Came over to see you?—A. Yes, sir.

Q. How did you go?—A. By train.

Q. Train goes over there does it?—A. Yes, sir.

Q. Train goes through the reservation?—A. Up to the reservation.

Q. How far is it?—A. It is about 130 miles by train and about 140 miles to the reservation.

Q. How do you go from the train to the reservation?—A. Mail wagon about two times a week.

Q. What is the railroad fare up there?—A. \$4.95.

Q. What is the fare on the mail train?—A. \$1 each way.

Q. That is about \$7 each way?—A. Yes, sir.

Q. Six ninety-five?—A. Yes, sir.

Q. Who paid your expenses?—A. I paid my own.

Q. You were not reimbursed your expenses in any way?—A. No, sir; I went over at the same time Mr. Adams did; he wanted some notary work done; he gave me \$25 for the work I done for him; I acknowledged the leases and the certificate of his responsibility, whatever that is—competency.

Q. That is, Adams's certificate of competency?—A. Yes, sir; he certified he was responsible for \$38,500.

Q. And Mr. Adams paid you \$25 for making that trip?—A. Yes, sir.

Q. But did not pay your expenses?—A. No, sir; I paid my own.

Q. So your expense on that trip really came from Mr. Adams? You used part of that \$25?—A. Yes, sir; I very often go over there—come over there very often.

Q. Do the Indians ever pay you for your services?—A. Not a penny; I have to see them home most of the time.

Q. You said you had retired; weren't in business; what business were you in?—A. I was stevedore foreman and was very near killed four years ago. I run a little cigar store after that; got a notary public commission to help me.

Q. Do you run that now?—A. No, sir; I do notary work.

Q. You do notary work?—A. I get about \$30 or \$40 a month in the old town.

Q. You have an office over there?—A. No, sir; just my house, but they know me so well—I have been there for 26 years—they call on me.

Q. Did Mr. Adams tell you what he was going to do when you went over with him that time—what he wanted you to do?—A. No; he said, "If you are a notary, Tom, I want you to come along and I will pay you for the work you do for me."

Q. How many leases did he take?—A. I thought there were 34, but I guess there were 32, I noticed this morning.

Q. How many affidavits were there taken?—A. Oh, I don't know. I should judge 12 or 15—20, probably.

Q. Did you represent Mr. Adams over there?—A. No, sir.

Q. I notice what purports to be an interview from you in the Ledger.—A. Yes.

Q. Stating that you were the representative of Mr. Adams.—A. They got that mixed. These reporters get a good deal wrong.

Q. You are not the representative of Mr. Adams?—A. No, sir; not in any manner at all. He has never paid me a cent; did not pay me a cent; only that \$25 for notary work.

Q. He gave you no interest in the oil leases?—A. No, sir; nothing at all.

Q. All you have obtained from him is \$25, and that is all you expect?—A. Yes, sir; of course, if he wants me to go over again——

Q. I mean that is all you expect to draw for what you have already done?—A. Yes, sir.

Q. How long have you lived in Tacoma, Mr. Bishop?—A. Twenty-six years.

Q. Where did you come from to Tacoma?—A. Jefferson County.

Q. Oh, way over on the other side?—A. No, sir; just down the Sound. I never was away from Puget Sound; I am 54 years of age.

Q. Jefferson is across the Sound?—A. No, sir; just down the Sound.

Q. What tribe do you belong to?—A. My mother was a Snohomish.

Q. They lived right in there?—A. No, sir; they were across the Sound.

Q. They were?—A. You see, my uncle was a scout.

Q. How long have you been connected and acquainted with the Quinaielt Indians?—A. Three years.

Q. Three years?—A. Yes, sir.

Q. And you have been transacting this kind of business for them?—A. Yes, sir.

Q. During that time?—A. Yes, sir.

Q. Have you anything else you wish to say about Mr. Johnson and why he should not continue as superintendent?—A. The sentiment of the boys is—I only wish I could get you over there—is that they don't want him there at all; they don't want to sell their lands, lease their lands, or anything else through him, because they consider that he is not honest.

Q. Have they any evidence of it, Mr. Bishop?—A. Only what they think, you know, in regard to these transactions that has been—like this woman, and they said there is others; now, I didn't take no other affidavits only just this one woman's and this here leasing of the oil lands that was irregular; that is the kind of work he does.

Q. Well, I think they misunderstood that oil land leasing proposition; at least there must have been some misunderstanding about it, because they first seemed to have stated that he did not put the negative of the proposition at all. Now, when put under oath again they say he did put the negative but nobody voted.—A. It is so badly mixed there is no use of my saying anything about it.

Q. It is so badly mixed that a man can not make out a case against Mr. Johnson, it seems to me.—A. If we could only get those affidavits, we could show you.—Mr. Garfield and Joe Capoman did not give any affidavit; Harry Skald and them won't put a pen to anything, you see, as they are afraid; but they don't want to give leases to no one; they don't want to give tribal leases because some one will get the benefit of it.

Q. Do you know the governor of this State?—A. Yes, sir.

Q. Is he a pretty good man?—A. Yes, sir.

Q. Good, straightforward fellow?—A. Yes, sir.

Q. Truthful?—A. Yes, sir. He has that name.

Q. You would take his word under oath about matters usually, wouldn't you?—A. Yes, sir.

Q. Do you know Mr. Scofield?—A. Yes, sir.

Q. Is he a truthful man?—A. He is a successful business man.

Q. Well, is he truthful?—A. I would not want to say that; I could not say; I haven't had business enough with him.

Q. You don't know, of course, that he is untruthful?—A. No, sir; he is a true business man.

Q. I notice here in this copy of this letter to Frank Law from Mr. Adams which he inclosed to you as he says to keep from making the same statement twice?—A. Yes, sir.

Q. This statement: "It is a hard and difficult fight, much more so than you imagine, and much harder than I like to tell you, but nevertheless we will accomplish our purpose." What did he mean by "accomplishing our purpose"?—A. We inferred the affidavit in regard to the removal of Mr. Johnson; that is our fight over there.

Q. That is what he meant?—A. That is what we inferred.

Q. A removal of Johnson in the end?—A. Yes, sir.

Q. Now, he says here in his letter to you: "I believe I can do much good next week in Washington"; that was on November 2.—A. That was in regard to the completion of our fight against Mr. Johnson.

Q. Then Mr. Adams is helping you to get Mr. Johnson removed?—A. We asked him to do it; that is, the Quinaielts, you know.

Q. You are assisting the Quinaielts?—A. Yes, sir.

Q. That is what he had reference to?—A. Yes, sir.

(Witness excused.)

STATEMENT OF JOHN PEICHEL.

John Peichel, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. Proceed to make your statement.—A. I came to make a statement in behalf of the Cowlitz River Indians. They have for years been trying to get a settlement or an allotment of some kind for their homes. You see, they have been driven off their lands—of course, it is a long time ago—early in the fifties; I think, not being acquainted with the white man's laws and being easy-going people, anyway, they allowed themselves to be driven off and shifted around, as an Indian naturally would that had no education.

Finally, when they did realize what was going on, they found their land had gone and could not take any more; it was taken by the whites, and they have for years been trying to get some kind of a settlement.

The last time they heard from Washington they were to get an allotment on the Quinaielt Reservation, and the Quinaielt Indians are opposed to having any more tribes put on that reservation, and the Cowlitz Indians are not particular about going over there, because the Cowlitz Tribe is afraid of the Quinaielt Tribe; the Quinaielt, as I understand, has been a fighting tribe of Indians, and whenever

they would get any of those Cowlitz Indians they kept them over there as captives, and there has been fighting going on over there a long time.

Q. How many are there of these Cowlitz?—A. Breeds and all I should judge there is about 400. Last fall they had a meeting; that is when Congressman Warburton was here, and they made out a bill and Congressman Warburton was to present that before Congress, and they was asking \$6,000 apiece cash, you see, and buy their homes or whatever they wanted to, and Mr. Warburton promised faithfully to do that, but when he got to Washington Secretary Lane wrote back to us that he never opened his head about the cash proposition; but Mr. Johnson sent a bill of his own asking for land on the Quinalt, and, of course, Congress granted that bill; but the Cowlitz was allotted on the Quinalt, which they absolutely refused.

Q. In what capacity do you appear here? As an attorney?—A. No; I intermarried into the tribe.

Q. You are in that way a member of the Cowlitz Tribe?—A. There is not, I believe, more than two or three of the tribe know I am here.

Q. You volunteered to come and present the matter?—A. Yes, sir.

Q. On what theory do they ask a cash payment of \$6,000 each; how do they figure they are entitled to that?—A. Well, they claim the lands taken from them is worth millions of dollars now, and they ought to have some kind of recompense for their lands.

Q. I know; all the lands in this country once belonged in that same way to the Indians, and it is now worth millions of dollars, and nobody proposed to recompense the Indians in that way. Is that the sole theory upon which this cash payment of \$6,000 would be based?—A. They are satisfied if they could get a piece of agricultural land, because the majority of them is drifting here and there: there is some of them has got homes, those that got education in time; but the majority are shifting around.

Q. Do you know what treaty provisions exist in relation to these particular Indians?—A. No; I don't.

Q. Have you any information about what settlement, if any, was ever made with them by the Government?—A. The only thing I have heard my mother-in-law say at the time of the Indian wars there was a treaty made: she called it a paper: there was a paper signed by—an Indian was supposed to be sent to Washington with a paper and got lost, but then whether there is anything to that I don't know.

MR. ARCHER. I think I can enlighten you on that; the Government never had a treaty with the Cowlitz Indians; they occupy a large territory from the county of Skamania almost to the county of Lewis. They were gradually shifted from one part of the State as it settled up to the other; they were a roaming band; finally they later asked the Government to give them some benefit and the Government offered them allotments on the Chehalis reservation; the allotments I think was 40 acres each and they turned that down; that is the status of the Cowlitz Indians to-day.

Representative CARTER. Is the Chehalis an irrigated reservation?

A. No, sir; there is no irrigation west of the Cascade Mountains.

Representative CARTER. The Chehalis is west of the Cascade Mountains?

A. Yes, sir.

The CHAIRMAN. There has never been any allowance right to that tribe?

A. No, sir; they have never had any allowance; the question had been hanging before the department for five years as to whether those people should be allotted lands on the Quinaielt Reservation and we couldn't get the department to do a solitary thing with it; I was down in Washington last winter and I was down there for six weeks; I was working on that proposition and the Republican administration went out on the 4th day of March and that matter was before the department; on the 5th day of March Secretary Lane decided—the Secretary of the Interior—the day after he came in, that those Indians could be allotted lands on the Quinaielt Reservation; that is the status of it; if they want lands on the Quinaielt Reservation they can have them, but the Quinaielts object strongly to these people going in there.

Representative CARTER. How many are there?

A. About 450.

The CHAIRMAN. That does throw considerable light on it. Much obliged to you.

Mr. ARCHER. Those people should be accorded some benefit, but the question of \$6,000 apiece is out of the question.

Mr. PEICHEL. The last bill they have, they want 3,000 for adults and 2,500 for the minors; what I mean for you, gentlemen, to do is to say that there should be some settlement of some kind for them.

Senator TOWNSEND. Where is there land that you think your people would go to?

A. There is 24,000 acres to be opened up by the Government in Lewis County, I see in to-day's papers, and the whites have homesteads and I honestly believe the Indians would go in there and take that if they had a chance, but, of course, they don't like to go—one here and one there; they would like to go in a bunch if they go.

The CHAIRMAN. Are they men who would till the soil if they had it?

A. The majority of them would.

Q. How do they live now?—A. Some of them work in logging camps a few days and a few days in the mill, and if there is a scarcity of labor they can get work, but if the labor is plentiful nobody wants the damned Indian.

(Witness excused.)

STATEMENT OF HENRY SICADE, TACOMA, WASH.

Henry Sicade, being duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. You are a full-blood Indian?—A. Yes, sir.

Q. Of what tribe, Mr. Sicade?—A. Puyallup Nisqualli.

Q. Where were you educated?—A. I got my start here at Cushman School and I went to Forest Grove, it is known as Chemawah School now, and then I went among the whites from that time on.

Q. How long have you lived in the neighborhood of Tacoma?—

A. With the exception that I was away for three or four years, all the time; I am going on 46 now.

Q. Lived here all your life?—A. Yes, sir.

Q. Are you interested in the Cushman School; that is, do you take an interest in it?—A. Yes, sir; being an old student, you know, former student.

Q. you delivered the commencement address there last year, didn't you?—A. Yes, sir; a year ago last June.

Q. When were you last a student in Cushman School?—A. 1880.

Q. What was the number of pupils in attendance then? The average number.—A. About 30 or 40.

Q. Who was the superintendent or principal of the school?—A. Rev. M. E. Mann.

Q. Have you kept pretty closely in touch with the Cushman School during the period that succeeded your retirement from it?—A. Yes, sir; I have always taken an interest in the school.

Q. What is about the number of pupils that attend it now?—A. At the present date?

Q. Yes.—A. Somewheres about three hundred and forty or fifty; somewheres about that neighborhood.

Q. What is your estimation of the usefulness of the school and the work that is being done to it and in it?—A. Well, sir, I am heartily in favor of the system they are now following.

Q. That is the system of vocational training?—A. Yes, sir; if you will excuse me, we Indians thought in the early days when the treaty was made, the old Indians asked the Government to set aside in the neighborhood of 600 acres for the benefit of the school, taking into consideration the education of the coming Indians; they went without the rations, the blankets, and plow and such things the Government agreed to give them and made that one point that they wanted a school in preference to taking those things, and ever since then our Indians have taken an interest in that school, and when the school ran down to such a low point we threatened to bring suit against the Government to take that in the neighborhood of 600 acres away from them, and we threatened to take that away from them unless they brought it up to the stage it should be.

Q. Are you pleased with the progress the school is making?—A. I can not say I am against it; I like it; whatever they have done has been for the good of the Indians.

Q. What I wanted to know is how to regard the present management of the school?—A. Well, sir, comparing it with what we have had the last 15 years, I think he is the best man we have had since.

Q. Do you know any facts or circumstances of its specific character that would tend to render him unfit for the head of a school like that? Have you heard anything of that sort?—A. No, sir; not among us here; we have kept very friendly relations with the superintendent and other employees. We have had some dealings with the superintendent in a specific way and we have always got along; that is, some troubles we have had we have gone to him and asked him to help us out; he always is willing to work for us, and in that way we have felt pretty well toward him, although we are not taking his part; we are not hollering for him or anybody else, because the last 10 or 12 years we have been citizens.

Q. The Puyallups are one tribe that are now independent of any Government relationship, aren't they?—A. Yes, sir; we are taxpayers now.

Q. They don't supervise you and you help support the Government?—A. Yes, sir.

Q. Are you pretty familiar with the condition of the Indians in this locality? I mean in this part of the State, now?—A. Yes, sir; I believe I am.

Q. Do you ever go on the Quinaielt Reservation?—A. Yes, sir.

Q. Do you know their conditions there?—A. Well, in a general way; yes.

Q. Are they improving any?—A. Well, sir, they are better than what they have been.

Q. Now, I wish you would tell me what improvements you have noticed among these Indians.—A. In the last 10 or 15 years—I first knew of them, that is, as a tribe coming out here to pick hops, and in their habits they were like all these fish eaters; were dirty, careless, simply dressed, and lived in wigwams; that is, kind of put up in a hurried way. I was over there last month and went from one end of the reservation to the other; I was only on a kind of fishing trip, and I noticed the difference in their houses; the people are living better; they are cleaner; they are living like white people in a good many ways.

Q. How do they support themselves?—A. Mostly by fishing.

Q. Fishing, we learn, is quite a profitable business among them?—A. It is a big business; yes.

Q. Very few of the Indians on the Quinaielt Reservation are engaged in farming or in kindred industries?—A. You mean farming?

Q. Yes.—A. No; I don't call them farmers at all; they raise little garden patches here and there.

Q. What have you to say about the general health of the Indians on that reservation and in this locality as compared with what it was some years ago?—A. Oh, it is much better.

Q. What do you think that is due to, Mr. Sicade?—A. It is due, of course, largely to we learning your ways of sanitation and cleanliness. Our way of living is different to what it was 10 or 20 years ago.

Q. Is there much trachoma among the Indians in this country?—A. No, sir.

Q. Much tuberculosis?—A. Not any more than the average.

Q. You think about the same tuberculosis among these Indians and among the white people?—A. Just about the same proportion. A while ago, say 15 or 20 years ago, we were stricken with that pretty hard but we have gotten over that stage. Then you know we didn't know how to take care of ourselves. Now, just to illustrate, in my family there were eight children and when we came in contact with the whites, we got simple diseases like mumps, and itch, and a lot of these little things that we didn't know how to combat and to fight them, and amongst the Indians. Our rule was, if you are not feeling well, take a cold bath; now, that was very fatal to us. Out of my family there were eight children to die but me: that was just on account of those simple diseases; on account of we did not know how to fight them, or ward them off.

Now, you will hear a lot of people talking about bad whisky killing us; that has some truth to it, to some extent, but it was these simple diseases that killed us.

Now the present generation know how to take care of themselves: I have got seven children; I have never had a serious sickness in my family; I try to live like the whites—ventilation, live simple and cleanly, and we are getting along.

Q. That is undoubtedly the solution of the most of the troubles that affect the Indians now with regard to his health all over the country?—A. Yes, sir.

Q. There is no question about that. There has been some suggestion that a tuberculosis sanatorium for the benefit of Indians generally throughout the country should be created, say in New Mexico, the climate there being regarded as particularly beneficial to the trouble. We have found a great many Indians among the people who are afflicted, especially afflicted with tuberculosis, who think that would not be a good plan because the Indians would not send their children or permit them to be sent a long distance from home for treatment. Another plan has been suggested, or rather a plan in conjunction with that, namely, that camp hospitals, that is more or less temporary establishments be made on the various reservations for the treatment of the Indians who might avail themselves or who were unfortunate enough to be afflicted with that trouble, and thus attempt to eradicate it by taking the patients who are tuberculous out of the homes and putting them in the hospital, and thus preventing the spread of it to the other members of the family. We have found, and it is undoubtedly true, that among some tribes there is a great deal of tuberculosis and trachoma. In one, for instance, the evidence shows that 70 per cent approximately of all the Indians of the tribe have trachoma and quite a large percentage, though much less than that of course, have tuberculosis. In Washington, and especially in this part of the State, those conditions do not exist. We are glad to note your statement in that particular, which seems to be confirmed by all of the facts.

On the Colville Reservation, however, or at least a considerable portion of it, trachoma is very common, and the physician estimates that 60 per cent of the Indians under his charge, within his jurisdiction, have trachoma, and about 25 per cent have tuberculosis.

Now, as a man who is prominent among his own people, and who has had experience that you have and who has knowledge which you possess, we would be glad if you would volunteer a few suggestions that occur to you along that line? What do you think about the establishment of hospitals for the treatment of it?—A. Why, I have never given that any thought, but I have an only cousin, a woman, who is afflicted with tuberculosis, and she was a woman of means and lots of property, so finally one of the best doctors here in Tacoma said if you will go east of the mountains anywhere, where it was dry, you would be all right, so she moved into the Yakima country, bought some property in there in the reservation, right near Toppenish. Well, sir, gentlemen, that woman is just as well to-day as she ever was. The change from this climate is what did the good. Now, why not, if you are to establish anything, say, for us, particularly here in the Northwest, why not have it over east of the mountains somewhere in that locality.

Q. Yet, singularly, there is more tuberculosis there among the Indians than there is here, but that is probably due to the difference in the manner of living among them, the sanitary habits?—A. Yes; I know; about half of the people over there, they are pretty careless; I know them pretty well; I have been over that country a good many times.

Q. You think there might be some good accomplished by that?—A. Oh, I am pretty near sure it will do a lot of good. Now, take about half of the people, the Yakima Indians, I know; I am pretty well acquainted over there; my father in the early days, his forefathers, came from there in the early days. I go there once in a while; I have relatives over there; the way they live, their habits; they haven't got over that stage where they can be free from that disease.

Q. You suggested to me this morning, I think, that you had some matter that you wanted to present to the commission about the Puyallup Indians?—A. Yes, sir.

Q. I wish you would present it now.—A. I will have to go back and give you a little history of our troubles.

In time Congress passed an act dividing our Indian land here called the Puyallup Reservation into allotments, and the Indians then suggested that they would put aside about 600 acres for the benefit of the school, for the children.

That was set aside, and later Congress passed an act dividing that school farm into town lots; the city was encroaching on that land, so the property was sold, with the exception of 25.63 acres, which was set aside and known as the Puyallup Cemetery tract. That was the Indians' graveyard.

When these lots belonging to the school farm were sold, the Indian commission, composed of three men, of which J. G. Anderson was one, in some way, through some mistake, got 6.2 acres of this cemetery plat, had it platted out, and some was sold before the Indians found out, so we had a meeting and it was agreed among the commissioners and the Indians that the proceeds of the sales of those lots should be turned over for the benefit of the cemetery for improvements, and for the upkeep, beautifying it.

The Indians were very much worked up over that affair, and when we told them that it looked like the Government would help us out to beautify our cemetery the matter was dropped. The property was sold, and we never got a thing.

That left us 19.43 acres for the cemetery. Prior to this division of the property the Presbyterian Board of Home Missions sent a missionary out among us, and through the missionary's effort he raised some money to build a church, and we Indians put up half of what the church cost, and I think it was Maj. Eels was then agent, allowed us to put the building on part of the school farm, so it stood there for several years, and in the meantime the Northern Pacific built this road up the valley then, and the church was very close to the track, and the Indians concluded that the church, to save it from burning from sparks, should be moved farther back, and Mr. Eels suggested that we should put the church up alongside the buildings, alongside the graves. It was vacant then—a little vacant space there—and we all agreed to it. We agreed the church should be on the graveyard property.

So in the meantime the minister came to me—the missionary—and asked me if I can not go his bond to raise a little money to put up a little parsonage. He had a large family; his salary was very small; and by hard work he managed to send his children to school; and by having a parsonage on the churchyard it would save him paying rent in town, so we concluded to give him a site alongside of the church.

After he got this foothold he contrived some way during the night and fenced in pretty near 2 acres, and in this tract that was fenced were quite a number of graves.

Well, we had a fuss over it, and we finally agreed to let him stay there, providing he did not claim the land. Later he claimed that a good many of our prominent Indians signed a certain paper asking the United States Government to deed the church that particular land, and in return for the help of the church the church was to work hard and get deeds for the Indians for their allotments.

Now, this paper was filed in Washington. Many of the names mentioned in this paper—there was several that we never knew or heard of. That oldish man with me to-day was an elder of the church, and he swears to this day that he never put his name, never put him thumb mark or pen mark on that paper. His name is on that paper. I went over to another elder and asked him if he signed that paper. "No, sir," he says: "I never signed any such paper." Now, the president of the church has taken that paper as a basis to fight for that piece of land. So when Commissioner Leupp was commissioner he came West, and we met him. I happened to be one of the trustees of seven Indians that was appointed or elected to act and transact business for the Puyallup Tribe, and we trustees met Commissioner Leupp and told him our troubles and asked him if he could possibly get it through Congress to set that cemetery aside forever, so there would be no dispute and no trouble hereafter. The law of 1907 was passed giving the Secretary of the Interior a right to sell, with our consent, mind you, any portion that we might see fit to beautify and fix up the rest of the cemetery. We liked that. We wanted that; and heretofore the Government has always dealt with us in making lands, selling any lands. We always had to consent for the reservation—school land, as we called it—and when part was sold for railroad right of ways we had to O. K. it before the Government would give the deed, and we have always claimed that we had a specific right to these tracts, and they must get our specific consent.

In 1909 there was an act passed, special legislation, giving to these various churches any lands they had made a squatting on the right to own it and claim it, and we were notified in the meantime that that particular tract that this minister had corraled at night, fenced up at night, was to be deeded over to the church, and we had a meeting concerning it; so they appointed me to take up this matter with the various officials that we might come in contact with. I took it up with Mr. Johnson; he wrote to the department several times.

I took it up with Col. or Capt. Biggy, and he took it up with Secretary Lane, but it seems with all our efforts that this law is going to stick, so the last word we have heard from the department is that they are going to deed that property to the church. Now, that was done over our heads without our consent, and that particular tract—

there is several graves. We know there is graves there, and that is the part we don't like. The church has practically come to its end; that is, that particular church; it has outlived its usefulness. Nobody attends that church any more except the children, the school children occasionally; out where we live we have churches. We go to these churches and not to this church. Now, they are about to close up and probably leave us. Some way they got the influence and power to pass that law, and we are trying our hardest to head them off.

Q. Has the law been passed granting to that church the 2 acres you refer to?—A. An acre and forty-three hundredths; yes. On the condition that they pay the street assessment abutting that property.

Q. And what is it you would like to have done about that?—A. Why, we would like to still own that land. We don't want them to get that land away over our heads. We never consented to it; we have never objected to the church holding that place, as we agreed in the first place as long as they want to use it let them stay there, let them use it. Now, instead of them going away peaceably and quietly when their work is done, now they are going to take the land away from us, where our graves are.

Q. Who is the pastor of that church, what preacher?—A. Rev. D. D. Allen.

Q. Was he the man that fenced it up?—A. No; it was another one before him; this man has fenced some more, so maybe we will have more trouble; he is raising some ducks on some of that land; I tore it down myself, and when I went back two or three weeks later I saw he had a little fence with his ducks there.

Q. What disposition do they propose to make of the land now, the church?—A. I don't know; we could only take it for granted that they were going to sell it; it is getting quite valuable.

Q. Do you know whether a deed has been made to the church for that land or not?—A. No; but we got a letter from Mr. Johnson from the Commissioner of Indian Affairs saying—that is, the old Commissioner of Indian Affairs, not this one now—saying that just as soon as the church is able to put up the money for the pavement abutting that property they were going to make the deed over to them.

Q. The Government was?—A. Yes; but since the change has been made, you know, it kind of upset these plans.

Q. Is there anything else you want to state or you think you should state in connection with that or any other subject?—A. No; not that I know of; I had three men with me this morning, you know, but they had to go home.

Q. Well, they would support your statement?—A. Yes, sir; we are all three trustees of the tribe; there are seven trustees; we are a majority; we are all working for that point; the Indians as a unit are against that proposition of deeding that land away.

Senator TOWNSEND. Now, you gave the permission in the first place for this missionary to put up this little parsonage home there?

A. Yes, sir.

Q. And that was when he was preaching to the Indians, was it?—A. Yes, sir.

Q. Now, there is no pretext, as I understand you, that this church is any longer used or to be used for the benefit of the Indians?—A. No, sir.

Q. Did you understand that that act was passed granting them the right to own the property where the churches had been occupied regardless of whether they were serving the Indians yet or not?—A. No; I understand they were going to get any tracts they are on now, all over the United States.

Q. And you say this church now is attended only by the children up there?—A. Occasionally; yes, sir.

Q. Now, are you pretty well acquainted with Johnson?—A. Yes, sir; fairly well acquainted with him.

Q. And you are pretty well acquainted with the children?—A. Yes, sir; in a general way.

Q. Had you ever heard any rumors anywhere that he was treating his children improperly?—A. No, sir.

Q. The girls improperly?—A. No, sir.

Q. What do you think, whether you would be liable to hear that?—A. Oh, I am liable to pick up if there was anything like that, because, just as I say, we have no particular interest with the management of the school; we are citizens now, you know.

Q. What is your business?—A. Well, I have been a farmer, but I kind of retired lately.

Q. Do you advise with the Indians here a good deal?—A. You mean the Puyallup Indians?

Q. Yes.—A. Yes, sir.

Q. They come and talk with you?—A. Yes; they generally come when there is anything doing.

STATEMENT OF MISS ———, A PUPIL AT CUSHMAN INDIAN SCHOOL, TACOMA, WASH.

Miss ———, first being duly sworn by the chairman, testified as follows:

I am a pupil at Cushman Indian School, and have been since July, 1910. I knew ———; we were good friends. I saw Mr. H. H. Johnson, superintendent of the Cushman School, a short time before the close of the school last term, in the kitchen, the big kitchen, and he had his arm around ———; she was crying at the time. They were there about a half an hour. Once when I was down in the basement at the girls' dormitory building, about two years ago, during the second vacation, Supt. H. H. Johnson was there also, and Miss Lambert, the matron, had just gone out, and Supt. Johnson embraced me and kissed me twice. I was embarrassed and did not like it at all, and I repulsed him. He said he was sorry I could not go home, but I did not think he felt that way or meant it that way. ———, another pupil at Cushman School, told me and other girls that Supt. H. H. Johnson did not treat her properly. She said he had kissed her when she was having her eyes treated and when they were bandaged. She told me he had kissed her about three times, and that she was helpless. He used to carry her out and put her in that automobile and bring her down town to have her eyes treated. Another Indian girl, named ———, who used to attend Cushman School, told me that Supt. Johnson had hugged and kissed her.

The CHAIRMAN. In what estimation is Mr. Johnson held by the young ladies in the school: do they respect or disrespect him for his manner toward them?

Miss ———. They have no respect for him; many do not like him.

The CHAIRMAN. Is that the reason?

Miss ———. Yes. When Mr. Johnson mistreated me I did not tell Miss Lambert because I was too much embarrassed. I told Miss ——— after I heard the other girls talking about Supt. Johnson's treatment of them. I then told them how he had treated me.

The CHAIRMAN. How many large girls were there out there during the last term of school?

Miss ———. I could not state just how many. There must have been about 24 in the domestic science department.

The CHAIRMAN. Where is your home?

Miss ———. I came from ———.

The CHAIRMAN. Has Mr. Johnson ever talked with you about that incident since?

Miss ———. No; he never mentioned it.

The CHAIRMAN. You made a statement a while ago that I do not think was taken down, and that was that when he passed you you refused to speak to him.

Miss ———. Yes, sir. It was on Sunday morning he spoke to me and tipped his hat, but I did not speak to him at all.

The CHAIRMAN. What became of this young Miss ———; what happened to her?

Miss ———. She committed suicide.

The CHAIRMAN. Where was she when that happened?

Miss ———. I think she was in ———; that was during vacation.

The CHAIRMAN. How long after school had closed?

Miss ———. About the 1st of July.

The CHAIRMAN. Do you remember yourself when it was?

Miss ———. I can not remember just when; it was a little before I returned to school; just a short time ago.

The CHAIRMAN. Did you ever talk with her about his treatment of her?

Miss ———. No; I didn't.

The CHAIRMAN. Do you know anything about why she committed suicide?

Miss ———. No; I have not the least idea. She wrote me one letter.

The CHAIRMAN. Was there anything in that that bore on her troubles?

Miss ———. No; she was happy, and told of the pleasure she was having. That was a short time after she went home.

Representative BURKE. You say you saw Mr. Johnson, a short time before school closed, in the big kitchen, and he had his arm around Miss ———?

Miss ———. Yes, sir.

Representative BURKE. When was that?

Miss ———. I can not tell exactly.

Representative BURKE. How old was Miss ———?

Miss ———. She was 15 years old.

Representative BURKE. Did she ever talk with you about it?

Miss ———. She was telling me that she wanted to go home, and she couldn't go there.

Representative BURKE. Did you mention to her what you saw?

Miss ———. No, sir.

Representative BURKE. Did you tell anything to anybody else?

Miss ———. No, sir. This is the first time I have ever talked about it, unless I mentioned it to one of the girls.

Representative BURKE. What did you say to any of them?

Miss ———. I said that I saw him with his arms around her. She was sitting on a large table, and I don't know whether he was standing or sitting down.

Representative BURKE. Where did he have his arms about her person?

Miss ———. Around her waist.

Representative BURKE. You say she was crying at the time?

Miss ———. Yes, sir.

Representative BURKE. Did you think at that time that his attentions toward her were in a fatherly manner toward her as a child, or that he was acting improperly?

Miss ———. It seemed to me that he was looking out for her welfare.

Representative BURKE. And she was only 15.

Miss ———. Yes.

Representative BURKE. When you were in the basement at the girls' dormitory about two years ago Mr. Johnson was there and he embraced you and kissed you, did he?

Miss ———. Yes, sir.

Representative BURKE. What else did he do?

Miss ———. That is all.

Representative BURKE. What did he say?

Miss ———. He said he was sorry I could not go home.

Representative BURKE. Were you complaining because you could not go home?

Miss ———. No; I was working there. He came to me and asked me if I wanted to go home. He asked me if I was going home, and I told him I was not. Then he kissed me.

Representative BURKE. When did he speak to you again?

Miss ———. Some time afterwards.

Representative BURKE. Has he ever since said anything of that kind?

Miss ———. No, sir.

Representative BURKE. And at the beginning of the next school year you returned there?

Miss ———. No; I have been there ever since. I was not there during the last vacation. I returned this year when school opened.

Representative BURKE. Did you have any feeling against the superintendent so that you felt that you did not want to return?

Miss ———. He has never paid any attention to me. I don't like him, of course.

Representative BURKE. Why don't you like him?

Miss ———. For the way he treated me. And he has treated ——— the same way, and we did not know how to take it.

Representative BURKE. How old was she?

Miss ———. About 20 now.

Representative BURKE. How old was she then?

Miss ———. I think that was about two years ago.

Representative BURKE. Have you had any trouble in school?

Miss ———. No.

Representative BURKE. Did the superintendent ever discipline you?

Miss ———. No.

Representative BURKE. You have no feeling in the matter except that he made this improper approach to you?

Miss ———. Yes, sir; that is all.

Representative BURKE. Why did you not tell Miss Lambert about it at the time?

Miss ———. Because I felt embarrassed about doing it.

Representative BURKE. Are your parents living?

Miss ———. No, sir; I live with my uncle.

Representative BURKE. Did you tell him anything about your experiences here with Mr. Johnson?

Miss ———. No, sir; I did not tell anybody. This is the first time I have talked about it.

**STATEMENT OF ——— ———, FORMERLY A STUDENT AT
CUSHMAN SCHOOL.**

Mrs. ——— ———, being first duly sworn by the chairman, testified as follows:

The CHAIRMAN. Were you a former student at the Cushman Indian School?

Mrs. ———. Yes, sir.

The CHAIRMAN. Are you acquainted with Supt. H. H. Johnson?

Mrs. ———. Yes, sir.

The CHAIRMAN. Do you know him well?

Mrs. ———. Yes, sir.

The CHAIRMAN. State what you know of his conduct toward the young lady pupils of the school.

Mrs. ———. I know that he has kissed me more than once, and other girls that I know.

The CHAIRMAN. Under what circumstances? Where were you when he first kissed you?

Mrs. ———. I was in his office, and he and I were alone. I had been sent in there by the matron to see about an operation on my eyes. He was sitting on one side of a large desk and I was on the other side. He called me around on his side, and of course I did not know what he meant then. When I got around on his side he pulled me down on his lap, put his arm around me, and kissed me on the side of the face. I told him I was in a hurry, and wanted to go and have an operation performed, and he said he hoped they would not hurt me. That was my first experience with him. Later when I was working in a store uptown, he called me over the telephone and told me that I had some mail, and asked me to come by there and get it. On my way home I went in there to get my mail, and he was the only one there when I got there. I expected there would be some one else there when I got there, but it was late and he had waited for me, and when I went in he put his arm around me and squeezed me and kissed me. I didn't know how to take it, I was so surprised, and I told him I was no fool and started to leave. I felt insulted over it and just walked out.

The CHAIRMAN. Did you have another experience with him?

Mrs. ———. Yes, sir. I met him in the hallway once and he stopped me and spoke to me, and said he wanted to go down in the basement where the little girls were and asked me to go down with him. I went, and when we got down there where they were he did some measuring around the walls for some kind of work, and when we started back up the stairway he put his arm around me and kissed me.

The CHAIRMAN. Did he embrace you?

Mrs. ———. Yes, sir; he did.

The CHAIRMAN. Did you tell anybody about it?

Mrs. ———. I talked with different girls about it. I talked the matter over with my sister-in-law.

The CHAIRMAN. How old were you?

Mrs. ———. I was only 18.

The CHAIRMAN. How old are you now?

Mrs. ———. Nineteen. I am married.

The CHAIRMAN. Do you live here in Tacoma?

Mrs. ———. Yes, sir.

The CHAIRMAN. You said you knew of his familiarity with other girls. Who are they?

Mrs. ———, ———, ———, ———, ———, and, I believe, a lot of the big girls.

The CHAIRMAN. It was a matter of common talk among you girls about his conduct toward you?

Mrs. ———. Yes, sir; we didn't know how to take it.

The CHAIRMAN. How do you know that he treated those other girls as he did you?

Mrs. ———. Because we talked about it, and they told me that he did the same thing to them as he did to me.

The CHAIRMAN. Did you have any trouble with him other than that?

Mrs. ———. No, sir.

The CHAIRMAN. Have you any feeling against him other than that?

Mrs. ———. No, sir.

The CHAIRMAN. Do you speak to him now?

Mrs. ———. I barely spoke to him the last time I met him.

The CHAIRMAN. You have no other complaint against him?

Mrs. ———. No, sir.

The CHAIRMAN. That is why you dislike him, is it?

Mrs. ———. Yes, sir.

Senator TOWNSEND. Did he make any improper suggestions to you other than that?

Mrs. ———. No, sir.

Senator TOWNSEND. Why did you leave school?

Mrs. ———. I finished there. I graduated there.

Senator TOWNSEND. Did any other girls tell you that he had made any improper suggestions to them?

Mrs. ———. No; not any. He put his arms around them, kissed and squeezed them, and things like that. That is all I know, as far as they have said.

The CHAIRMAN. Do you know a girl by the name of ——— ———?

Mrs. ———. Yes, sir.

The CHAIRMAN. She was a pupil in the Cushman School, was she?

Mrs. ———. Yes, sir.

The CHAIRMAN. What became of her?

Mrs. ———. She committed suicide. I don't know much about her.

The CHAIRMAN. Did you hear her name connected with his with reference to improper conduct?

Mrs. ———. I never was around her very much. I don't know for sure.

Representative BURKE. You say the first time happened last year?

Mrs. ———. No; year before last.

Representative BURKE. When did the second time occur?

Mrs. ———. The same year.

Representative BURKE. Did you stay at the school during vacation?

Mrs. ———. No, sir.

Representative BURKE. Did you talk with ——— ———?

Mrs. ———. Yes, sir.

Representative BURKE. Whom else did you talk with about it?

Mrs. ———. I have heard so many girls talk about it that I do not remember.

The CHAIRMAN. Are there any other girls at the school that you know that have had that same experience?

Mrs. ———. Yes, sir; ——— ———.

The CHAIRMAN. Where does she live?

Mrs. ———. She lives there near the school.

Senator TOWNSEND. Did you ever have any such trouble with any other man?

Mrs. ———. Never; Mr. Johnson is the first man.

Senator TOWNSEND. What did you say to Mr. Johnson?

Mrs. ———. I was afraid; I didn't say anything. I was afraid of him. My only excuse was that I wanted to go away. I hurried right out, and he followed me out into the road, and I was walking as fast as I could. He kept trying to talk to me, and asked me if I had heard about ——— ———, and said that ——— had been running around a great deal with fellows. He said he had written to ———'s uncle and told him if he didn't take better care of her, he wanted to take her back in school.

Senator TOWNSEND. Did Mr. Johnson talk to you and the other girls in the course of your studies at the time you were there?

Mrs. ———. Yes, sir.

Senator TOWNSEND. And advised you to be careful when you were with the boys?

Mrs. ———. He never gave us any advice, but I know he was strict with the girls.

Senator TOWNSEND. Would he allow you to go without chaperons?

Mrs. ———. I was, but I don't know of any other girls that were allowed to. He didn't allow me, but the matron did. The matron let me out and I went home, and would go with the boys from there.

Senator TOWNSEND. Did the matron ever call you before her and complain about anything you had ever done?

Mrs. ———. No, sir.

MRS. ——— (recalled).

Senator TOWNSEND. Has there ever been any talk that you have you ever heard about Mr. Johnson not being a good man, aside from the things you have been speaking about?

Mrs. ———. No, sir.

Senator TOWNSEND. Did you hear him talk anything about the matron?

Miss ———. No, sir.

Senator TOWNSEND. Did you ever hear any rumor that he and the matron were too friendly?

Miss ———. No, sir.

Senator TOWNSEND. Is Mr. Johnson married?

Miss ———. Yes, sir.

Senator TOWNSEND. Is his wife living out there with him?

Miss ———. Yes, sir.

Senator TOWNSEND. Has he any children?

Miss ———. Yes, sir; he has three.

Senator TOWNSEND. Do you really think that when he acted as he did toward you that he intended to do anything that was wrong?

Miss ———. I do not really know, but I was always afraid to meet him alone.

STATEMENT OF D. D. ALLEN, PRESBYTERIAN MINISTER, TACOMA, WASH.

Mr. D. D. Allen, first being duly sworn by the chairman, testified as follows:

The CHAIRMAN. You are a minister of the Gospel, are you?

Mr. ALLEN. Yes, sir.

The CHAIRMAN. What business are you now engaged in?

Mr. ALLEN. Preaching the Gospel.

The CHAIRMAN. Have you anything to do with the Cushman Indian School?

Mr. ALLEN. The Protestant pupils go to church, and we have services there on Sunday, and we have Christian Endeavor on Sunday evening, and one or two times during the week we hold Bible instruction classes.

The CHAIRMAN. You are not an officer of the school, are you?

Mr. ALLEN. No, sir.

The CHAIRMAN. What denomination are you?

Mr. ALLEN. Presbyterian.

The CHAIRMAN. Are you personally acquainted with the superintendent, Mr. Johnson?

Mr. ALLEN. Yes, sir.

The CHAIRMAN. How long have you known him?

Mr. ALLEN. I believe it is five years since he came here.

The CHAIRMAN. Have you known him well since he came here?

Mr. ALLEN. Well, more or less.

The CHAIRMAN. Do you meet him often?

Mr. ALLEN. Yes, sir.

The CHAIRMAN. Are you friendly with him?

Mr. ALLEN. As friendly as we can be.

The CHAIRMAN. You have never had any rupture?

Mr. ALLEN. No.

The CHAIRMAN. Do you know anything about his personal habits?

Mr. ALLEN. Now, I can't really say that I do.

The CHAIRMAN. Can you say that he drinks to excess?

Mr. ALLEN. I do not know that he drinks at all.

The CHAIRMAN. You do not know that he drinks?

Mr. ALLEN. No; I do not know. We have heard it intimated.

The CHAIRMAN. Have you any personal knowledge of any other misconduct upon his part?

Mr. ALLEN. Well, that he disregards the sanctity of the Sabbath.

The CHAIRMAN. You have no personal knowledge of any immoral conduct upon his part?

Mr. ALLEN. No; we don't.

The CHAIRMAN. Whom do you mean by "we"?

Mr. ALLEN. Well, I mean myself alone; but I have gotten so that I say "we" so much when I speak of myself and wife.

The CHAIRMAN. Have you ever talked with any of the pupils of Cushman School, or do you know whether Mrs. Allen has, about the conduct of Superintendent Johnson toward the young lady pupils of the school?

Mr. ALLEN. No; they have never talked with me. I don't know whether my wife has, but I do not think she has.

The CHAIRMAN. All you know about that is hearsay?

Mr. ALLEN. Yes, sir.

Senator TOWNSEND. You got all you have learned about Mr. Johnson's improper conduct from ————, did you not?

Mr. ALLEN. Yes, sir; and from Mrs. Nicholson, too.

Senator TOWNSEND. Who is she?

Mr. ALLEN. She is the seamstress.

Senator TOWNSEND. What did she tell you?

Mr. ALLEN. Some things similar to those told by Miss ———.

Senator TOWNSEND. What are they?

Mr. ALLEN. I don't remember, but she told of irregularities. There has been a personal feeling between them, Mrs. Nicholson and Mr. Johnson.

Senator TOWNSEND. And there is some feeling between you and Mr. Johnson?

Mr. ALLEN. We have taken exception to his conduct and religious feeling.

Senator TOWNSEND. And you would like to have him removed?

Mr. ALLEN. I would say that I would. If he would play fair we would get along all right. There are not a great many with the executive ability that Mr. Johnson has.

Senator TOWNSEND. Do you think he has a pretty good school?

Mr. ALLEN. Well, in various ways he has.

Senator TOWNSEND. Are there schools in the other places where you preach?

Mr. ALLEN. Yes, sir; day schools, but they are closed now.

Senator TOWNSEND. Are you preaching to the Indians?

Mr. ALLEN. Yes, sir.

Senator TOWNSEND. In your experience with the Indians in this place, what is the condition? Is it good or better than at the Cushman School?

Mr. ALLEN. Well, of course, they are not under the service as they are in the school. They are not graded as they are here. The discipline of the children is better than it is in the average Indian home.

Senator TOWNSEND. Are the children as you see around pretty good children as a rule?

Mr. ALLEN. They are; considering the conditions.

Senator TOWNSEND. Is there anything else that you want to state?

Mr. ALLEN. Well, I don't know that there is. But there is one thing that I don't know whether I should state or not. But Mrs. Nicholson is of a very independent turn of mind. She wanted a lot of things that Mr. Johnson would not do for her.

Senator TOWNSEND. What did she want that Mr. Johnson did not do for her?

Mr. ALLEN. Well, I don't remember what it was. I can not recall it.

Senator TOWNSEND. You do not remember wherein she differed from Mr. Johnson?

Mr. ALLEN. No, sir.

SUPERINTENDENT H. H. JOHNSON—Recalled.

H. H. Johnson, superintendent of the Cushman Indian School, being duly sworn, testified as follows:

The CHAIRMAN. Are you aware of the fact that there has been some criticism of your conduct toward the young ladies who are pupils in the Cushman School?

Mr. JOHNSON. No, sir.

The CHAIRMAN. You had not heard that there had been some question of your relationship with a girl named _____?

Mr. JOHNSON. No, sir.

The CHAIRMAN. Was she formerly a pupil in the Cushman School?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. When did she come there?

Mr. JOHNSON. She was there when I took charge over five years ago.

The CHAIRMAN. I believe she is dead now?

Mr. JOHNSON. Yes, sir. She committed suicide.

The CHAIRMAN. Was she in school this year?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. Were you in the habit of fondling her?

Mr. JOHNSON. No, sir.

The CHAIRMAN. Did you put your arms around her?

Mr. JOHNSON. No, sir.

The CHAIRMAN. Do you know _____?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. Is she there now?

Mr. JOHNSON. No, sir. She was there when I took charge. She graduated this year.

The CHAIRMAN. Has she been back there since she graduated?

Mr. JOHNSON. She was there yesterday with a young man that I knew she was engaged to, but I did not know that they were married at the time.

The CHAIRMAN. Did you speak to her?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. Did any conversation pass between you and her?

Mr. JOHNSON. Just for two or three minutes. When she left school last year she told me that she expected to be married about Christmas, and asked me if she could come back and take domestic science until Christmas, and I said yes. When I saw her yesterday she said she would not come back this year. I do not know what else passed between us. We stood there talking two or three minutes. I was waiting there for Mr. Griffith, the assistant superintendent, to come down town.

The CHAIRMAN. Did you ever fondle her—hug and kiss her?

Mr. JOHNSON. No, sir.

The CHAIRMAN. Did you ask her to go down in the basement with you at one time and kiss her as you were coming up the stairway?

Mr. JOHNSON. No, sir.

The CHAIRMAN. Did you telephone her one time when she had left school that there was some mail there for her and request her to come by there for it?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. Did she go up there?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. Where?

Mr. JOHNSON. In my office.

The CHAIRMAN. Who else was there?

Mr. JOHNSON. I presume the clerks were there. The occasion of my telephoning her was this: I had a message that her brother out on the reservation had been injured and I had learned that she was working uptown for the summer. I called her and told her about her brother, and, incidentally, told her that there was some mail there for her.

The CHAIRMAN. Did you ask her to come by the office for her mail?

Mr. JOHNSON. No, sir. She asked me all about her brother being hurt, and I told her practically all I knew about it. I said to her, "There is some mail for you here," and she said, "All right; I will come by there for it on my way home."

The CHAIRMAN. Did you fondle her on that occasion?

Mr. JOHNSON. No, sir.

The CHAIRMAN. Did you tell her about the —— girl committing suicide?

Mr. JOHNSON. Well, that happened shortly after the girl committed suicide, and I would not say yes or no.

The CHAIRMAN. Did you tell her that you understood the —— girl had gone home and was running around with the boys, and that you had notified her uncle about it?

Mr. JOHNSON. I would not say about that. It may be that I did.

The CHAIRMAN. Do you know Miss —— ———?

Mr. JOHNSON. No; I do not remember any girl by that name. You must have the name wrong. I don't know anybody by that name.

The CHAIRMAN. She is supposed to be a pupil in the Cushman School.

Mr. JOHNSON. I will tell you whom I suspect she is. She is probably a girl called —— ———, sometimes called —— ———.

The CHAIRMAN. What age girl is she?

Mr. JOHNSON. Sixteen or seventeen; she graduated last year.

The CHAIRMAN. Is she in school there now?

Mr. JOHNSON. No, sir.

The CHAIRMAN. Where is she?

Mr. JOHNSON. She is on the reservation.

The CHAIRMAN. Did you ever fondle her?

Mr. JOHNSON. No, sir. I had occasion to give her a good lecture. She went to a circus with a young Indian, and I came very near refusing to graduate her; and, as a matter of fact, she had been very unruly. She had gotten into trouble with one of the boys the year before, and it was out of consideration for her father, who is a very fine man, that I allowed her to graduate.

The CHAIRMAN. Is there a pupil there by the name of ————?

Mr. JOHNSON. She was there.

The CHAIRMAN. Did you ever hug and kiss her?

Mr. JOHNSON. No, sir.

The CHAIRMAN. Is she a good girl?

Mr. JOHNSON. So far as I know.

The CHAIRMAN. Is ———— in school there?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. What sort of a pupil is she?

Mr. JOHNSON. Pretty good. She graduated last year, last June, and is back this year to take domestic science.

The CHAIRMAN. Did you ever discipline her?

Mr. JOHNSON. I did not have to, but the matron had to keep a close check on her.

The CHAIRMAN. Why?

Mr. JOHNSON. Because of her temper.

The CHAIRMAN. Did you ever have any difficulty with her?

Mr. JOHNSON. Only when she would want to leave school and go to see her aunt. She was an orphan, and her brother placed her in school and said he did not want her to go with any boys.

The CHAIRMAN. Did you ever fondle her, or hug and kiss her?

Mr. JOHNSON. No, sir.

The CHAIRMAN. Is there a pupil there by the name of ————?

Mr. JOHNSON. No; she was there, but not now.

The CHAIRMAN. Do you remember having, at any time, hugged, kissed, or fondled any of the young lady pupils in the Cushman School?

Mr. JOHNSON. No, sir; emphatically, no.

The CHAIRMAN. You are sure you did not do it carelessly or disregarding of the fact that they might look on it differently from what you intended?

Mr. JOHNSON. Now, I am right fond of all my pupils. I joke with them and am pleasant with them. It is possible that I may have laid my hand on their shoulder, or something like that.

The CHAIRMAN. But not by hugging and kissing them?

Mr. JOHNSON. No, sir.

The CHAIRMAN. If you had done so, you would remember it, would you not?

Mr. JOHNSON. Yes, sir; naturally.

The CHAIRMAN. Do you know a Miss ————?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. Did you ever have any difficulty with her?

Mr. JOHNSON. Nothing, except that she was inefficient, and I told her so, and recommended that she be transferred.

The CHAIRMAN. Was she transferred?

Mr. JOHNSON. Yes, sir. On another occasion I reprimanded her very severely for allowing an Indian boy to be up at her building at an improper hour of the night. She was the domestic science teacher and had charge of that building. I reprimanded her very severely for allowing a man by the name of —— being over there at what I considered an improper hour.

The CHAIRMAN. What hour of the night was it?

Mr. JOHNSON. She said it was 9, and I said it was 10. She was receiving attention from another young Indian man, and she was making herself absolutely silly and losing her influence among the girls on that account. I had to call her attention to it in very pointed terms—to her indiscretion.

Senator TOWNSEND. Do you know a Miss ——?

Mr. JOHNSON. Yes, sir.

Senator TOWNSEND. Did you ever have any difficulties with her?

Mr. JOHNSON. Well, yes.

Senator TOWNSEND. What was it?

Mr. JOHNSON. She was prone to make trouble, and I gave her a very severe talking.

Senator TOWNSEND. What trouble was she prone to make?

Mr. JOHNSON. Gossiping and tale bearing. And she did a lot of things that I did not approve.

Senator TOWNSEND. Tell me something that she did and you did not approve.

Mr. JOHNSON. One thing was about the affair of Miss —— and this young man. She talked about it and put a construction on it that probably was not warranted. I never did believe there was anything wrong about the attentions the young man was paying Miss ——.

She would talk a whole lot about things like that.

Senator TOWNSEND. She was reporting things against Miss ——, you mean?

Mr. JOHNSON. Yes, sir.

Senator TOWNSEND. Do you work pleasantly with the preacher there, the Presbyterian preacher, Mr. Allen?

Mr. JOHNSON. Not very.

Senator TOWNSEND. What is the trouble there?

Mr. JOHNSON. Well, that I hardly know. The only thing that I can attribute it to is that for a great many years he had the field to himself, and the regulations require that other denominations be invited to come in. The Catholics came in and took up their work, and so did other denominations. And I presume that in that way he found grounds for his feeling as he does.

Senator TOWNSEND. Do you overlook his regulations for Sunday services and church services during the week?

Mr. JOHNSON. No, sir.

Senator TOWNSEND. You do not interfere with them?

Mr. JOHNSON. No, sir. The Catholic students are compelled to go to their church and the Protestant children to theirs.

Senator TOWNSEND. Have you any reason in your mind to give as a superintendent why any of your girls up there named by the chairman, Senator Robinson, should report that you kissed and hugged them?

Mr. JOHNSON. I do not see why they should.

Senator TOWNSEND. Have you never heard of this before?

Mr. JOHNSON. No, sir.

Senator TOWNSEND. You do not think that is the proper thing for a superintendent to do?

Mr. JOHNSON. No, sir; more than that, I have a family of my own.

Senator TOWNSEND. What family have you?

Mr. JOHNSON. I have a wife and three children.

Senator TOWNSEND. What are your children?

Mr. JOHNSON. Two boys and a girl.

Senator TOWNSEND. How old are they?

Mr. JOHNSON. One 12, one 7, and the other a little less than a year old.

Senator TOWNSEND. Which is the girl?

Mr. JOHNSON. The middle one.

Senator TOWNSEND. Do they live right there?

Mr. JOHNSON. Yes, sir.

Senator TOWNSEND. Do they go to school?

Mr. JOHNSON. Yes, sir; to the city schools.

STATEMENT OF MISS ————.

Miss ————, being first duly sworn by the chairman, testified as follows:

The CHAIRMAN. Are you a pupil at the Cushman Indian School?

Miss ————. I was.

The CHAIRMAN. Where do you live now?

Miss ————. Right near the school.

The CHAIRMAN. When did you go to the school?

Miss ————. Until I graduated.

The CHAIRMAN. When did you graduate?

Miss ————. It has been four years ago.

The CHAIRMAN. Do you know the superintendent of the Cushman School, Mr. H. H. Johnson?

Miss ————. Yes, sir.

The CHAIRMAN. Did you see him often when you were there?

Miss ————. Not so very often, but as much as any other person.

The CHAIRMAN. How did he treat the girls there?

Miss ————. I know how he treated me.

The CHAIRMAN. How did he treat you?

Miss ————. At times he treated me nice and at other times he did not notice me.

The CHAIRMAN. What did he do?

Miss ————. When I was taking domestic science under Miss Keck, I went over to his office once, and he kissed me.

The CHAIRMAN. Was anyone in there?

Miss ————. No; but there was in the other office.

The CHAIRMAN. Did he say anything to you?

Miss ————. No, sir.

The CHAIRMAN. How old are you?

Miss ———. About 18.

The CHAIRMAN. What did you do?

Miss ———. I asked him if he thought I was a fool, and he said "No; I don't think so."

The CHAIRMAN. Did he make any other advances?

Miss ———. No, sir.

The CHAIRMAN. You were then about 18 years of age?

Miss ———. Yes, sir.

The CHAIRMAN. Do you know anything about how he treated the other girls in the schools?

Miss ———. No, sir.

The CHAIRMAN. When did you first tell anybody about this affair?

Miss ———. I told my mother about it the same day he kissed me.

The CHAIRMAN. Did you talk with any other girls about that?

Miss ———. No, sir.

Senator TOWNSEND. Do you know this young lady you are with here?

Miss ———. Yes, sir.

Senator TOWNSEND. Have you talked with her about it?

Miss ———. No, sir. She told me you would ask me questions, and I would have to answer them.

Senator TOWNSEND. Did she tell you what she was here yesterday for?

Miss ———. No, sir.

Senator TOWNSEND. Did Mr. Johnson do anything more than kiss you; did he make any further advances than that?

Miss ———. No, sir.

(Adjournment until 9 o'clock a. m. Tuesday, October 7, 1913.)

TUESDAY, OCTOBER 7, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS, *Cushman Indian School, Tacoma, Wash.*

The commission met at 9 o'clock a. m., pursuant to the call of the chairman.

The following members were present: Representative Charles D. Carter. Inspector E. B. Linnen, from the Department of the Interior was also present.

STATEMENT BY MRS. BLANCHE NICHOLSON, SEAMSTRESS AT CUSHMAN SCHOOL.

Mrs. Blanche Nicholson, being first duly sworn by Inspector Linnen, testified as follows:

By Inspector LINNEN:

Q. How long have you been in the Government service, Mrs. Nicholson?—A. Well, about 14 years. I was in the service about 8 years; I was married and was out almost 8 years; and I took the examination and was reinstated here 5 years ago in December.

Q. What position do you occupy?—A. Seamstress.

Q. Seamstress at the Cushman School?—A. Yes, sir.

Q. What is your present salary?—A. \$600.

Q. Are you well acquainted with Superintendent H. H. Johnson?—A. Yes; I think I am the last five years.

Q. What have you to say as to his present conduct with the young lady pupils at the Cushman School, and the treatment of them, and his morals?—A. I have seen Mr. Johnson caress girls, draw them to him, and I have heard the girls talk.

Q. When you say draw them to him you mean put his arms around them?—A. Yes.

Q. Put his arms around them, embrace them, draw them to him?—A. Yes, sir.

Q. You have heard the girls talk about his?—A. About his conduct to them.

Q. What was his conduct toward them?—A. Drawing them to him and kissing them, pinching them.

Q. What girl pupils in the Cushman School have you heard state that he had done that to them?

(The witness named five, but names are withheld from publication.)

Q. You say you have not talked with ———?—A. No.

Q. When these girl pupils spoke of this did they find fault with it and object to it, to such attentions?—A. Yes; they did; they always said they hated to see him come around.

Q. Now, in your own case, Mrs. Nicholson, has his conduct ever been objectionable toward you?—A. Well, of course, that one time it was; it was very objectionable to me.

Q. State when it was?—A. And then another time Mr. Johnson called me to his office last spring and he talked in such a manner to me—well, I think if I had been a man I would have struck him. It was over a very little thing, really a personal matter—well hardly a personal matter—it was over a little incident in the mess; my little girl came in one night and she says "I want some catsup," and she asked the girl for it and the girl replied that there wasn't any, and I said, "let's have it on the other table to-night." I said, "they had it last night; loan it to us to-night," and just laughed. The girl went to the kitchen and told the mess cook, and she was very angry, scolding the girls and went on at a great rate. I stepped to the door and I told her there is no need of scolding the girls at all. I asked for the catsup, then she flew at me and was so angry then and I thought I would go to Mr. Johnson, but I refrained from it. A week later he called me to the office and wanted to know why I made so many complaints in the mess and without going to the mess manager, and I made the reply that I had been expecting to be called to the office and I was glad that he mentioned the fact, because Mrs. Dodd had told me that I had made complaints about the mess and had been called by the superintendent, and I wanted to know when he had called me for anything that I had said about the mess and how she knew it. Well, he did not reply to my question, but he blamed me for almost every unpleasant thing that had ever happened on the place; he told me things that afternoon that I did not know had ever happened.

Q. Did he treat you in a discourteous manner?—A. Why, he said very discourteous things to me; in fact, he told me, he said, "Mrs. Nicholson, without a single exception, every employee on the place has come to me and entered some complaint about you," and I have

made a point since that time to ask at least 15 of the different employees of the occasion they had to complain about me to Mr. Johnson, and they were all amazed.

Q. Said that they had not done so?—A. Why, said that they had never had any occasion.

Q. Now, just tell about when the other was?—A. Well, that was a year ago last May.

Q. A year ago last May Superintendent Johnson came—A. In here; came to my quarters.

Q. The seamstress quarters?—A. On the Cushman ground; he showed me a letter—he called me to the supply room.

Q. Closed the door?—A. No; he did not close the door.

Q. Well, go ahead.—A. Called me to the supply room and showed me a letter concerning my advance of salary, and made the remark, "You see it dates from the 2d of May." I did not see it at all—

Representative CARTER. Well, what did he do then?

A. He put his arm around me and drew me to him, and I said, "You stop that."

Q. Did he attempt to kiss you?—A. No; he drew me to him again after I had told him to stop, and I left the supply room.

Q. Did he make any demonstration except that?—A. Just drawing me up to him and putting his head over toward mine.

Q. What did you say to him?—A. I told him to stop, and I left the room.

Q. What was your idea then as to his intentions? Good or otherwise?—A. Well, I don't think they were good; I don't think any man would do such a thing to a woman if his intentions were good.

Q. And you say you have observed him on occasions putting his arms around some of the large girl pupils and drawing them toward him? What was and is your judgment as to that, as to his intentions. Were they good or otherwise?—A. I don't know how to answer it. Sometimes I thought it was simply a fatherly feeling that prompted him to do those things.

Representative CARTER. What did you think at other times, Mrs. Nicholson?

A. Well, that they were not the best intentions.

Q. Well, you did not have any such feeling—you don't think it was any such feeling that prompted him to put his arms about you, did you?—A. Well, I don't see how it could have been any other feeling.

Q. I mean you did not think it was a fatherly feeling?—A. No; I did not. I did not.

Inspector LINNEN. Do you believe his conduct toward the young ladies and his treatment of them in that manner is to the best interests of the school and the Government service?

A. I certainly do not—emphatically do not.

Representative CARTER. Mrs. Nicholson, did these girls tell you of only one time?

A. Just one; yes.

Q. That Mr. Johnson attempted to be familiar with them?—A. Just one, because I never allowed them to talk to me more than one time.

Q. I mean by that did they say he had made one attempt at familiarity?—A. Yes; just one time they mentioned.

Q. Each one just one time?—A. Yes.

Q. And he never made any advances to you except just this one time?—A. Just the one time.

Q. Before that time what was Mr. Johnson's conduct toward you?—A. Well, as I said, sometimes it was pleasant and sometimes it was not.

Q. Well, was there any difference in his attitude toward you before that and since that?—A. Well, I don't think that his attitude toward me since then has been as good as it was before.

Q. Has he attempted to punish you in any manner, do you think, for your resistance of his advances?—A. No; I can not say that he has.

Q. He has just simply been a little more cold?—A. He has been very cold to me; yes. And, of course, I am right under the matron directly in all of my work. Of course, if there is any occasion for Mr. Johnson to come in, he comes in and makes remarks about the work, and he has already given me the highest credit for what I have done in the sewing department.

Q. He has never criticized your work adversely?—A. Well, the first year I had charge of the room he did criticize my work, but—

Q. Did he ever speak to you of having you transferred?—A. Well, I did. This occasion I spoke of last spring, he said he debated a whole month whether to have me transferred or let me stay here and give me a talking to, and I told him I didn't think that I was going. He said he realized that I had the problem of the education of my daughter, and I told him that didn't concern him at all.

Inspector LINNEN. Do you know of his having made any improper advances toward any other of the lady employees at the Cushman School? Have you heard them so state—any of them, at any time?

A. Well, ————. I heard her tell about him pinching her arm.

Representative CARTER. Is she here now?

A. Yes.

Inspector LINNEN. Anyone else?

A. No; nothing very improper, just little flighty remarks that he might make.

Q. Who did you hear speak of those?—A. Well, ———— for one.

Q. He made some suggestive or improper remark to her, did he?—A. I don't know just what the word was. It was on the street car one evening; something about taking dinner with him down town. I don't know just as to what it was exactly.

Q. He made a proposal to her to take dinner with him out in the city?—A. Yes; something to that effect.

Q. Anyone else?—A. No; I think that is all.

Q. Mrs. Nicholson, this was in April, was it, that he made these advances to you?—A. No; it was in May.

Q. In May?—A. Yes, sir.

Q. How long after that was it when he called you down to the office?—A. Just about a year; that was this spring.

Q. That was this last spring?—A. Yes; just about a year later.

Q. When did you first tell of Mr. Johnson's advances to you?—A. That night; I told Miss Bates.

Q. The night after it happened?—A. Yes; the night after it happened.

Q. And was that the time Miss Bates told you of him having proposed to take her to dinner?—A. Yes; she told me that night.

Q. Did you tell anyone else except Miss Bates?—A. Yes; I told almost everybody on the place. I have not kept it to myself at all.

Q. And up to that time Mr. Johnson had treated you fairly well, had he?—A. Yes, sir; in a way. He was not very cordial; never has been to any of the employees.

Q. He had not had you down to the office and called you down, in other words?—A. No.

Q. Why did Mr. Johnson say he had decided to call you in and reprimand you?—A. He did not say.

Q. Instead of having you transferred?—A. He didn't say.

Q. Well, didn't he say something about your daughter?—A. He simply said about my daughter, he realized that I had the problem of the education of my daughter to look after, and I told him that needn't concern him at all.

Q. Did he say that was why he had called you in and talked to you instead of asking for your transfer?—A. No; he did not say that was the reason. He simply said he realized I was a widow and had the education of my daughter to look after.

Q. And then what did you do?—A. I told him I was not going. I said, "You will realize before a year, Mr. Johnson," I said, "you will not only like me, you will like my work." He said, "Mrs. Nicholson, I do like your work." He said in my efficiency report, "You have done more than anybody I have ever known in the Indian work." He said, "I like your work"; and I said, "You will like me, too."

Q. Has he shown any evidence of it?—A. I don't think he has. Of course, I am sorry I had to tell you gentlemen all of this, but I realize it is for the best. I debated a long time last spring after he called me to the office whether to ask for a transfer. I realized that I was doing my work and I was conscientious in everything that I was doing—was doing it well. I knew that, and I don't think I was conceited at all.

Q. When was it you debated about wanting a transfer; was that after he offered these advances to you?—A. No; after he had called me to the office.

Q. Well, did you think of the propriety of getting a transfer after he offered these advances to you?—A. Yes; I did; I thought of that and I had my daughter to consider; that is the reason I am working to give her an education, and I know that I can give it to her better here in Tacoma than I could to be transferred off some place.

Q. Where were you formerly employed in the Indian Service?—

A. Well, this is my seventh school; I was out of the service almost eight years when I came here; I entered the service at Pine Ridge in 1893.

Q. South Dakota?—A. Yes; and I was at Phoenix, and at Chillicothe, Okla., and I was at Mescalero, N. Mex., and at Parish, Cal., before the school was moved to Riverside; I was there a year; I left there the year before—and then I was here—I was at Hoopa Valley, too.

Q. Where did you come into the service from? What State?—

A. This last time, you mean?

Q. The first time?—A. The first time, Ohio.

Q. You are a native of Ohio?—A. Yes, sir.

Q. What town?—A. Plattsburg, a little town between Columbus and Springfield, in Clark County.

Q. Where from this last time?—A. Danville, Ill.

Q. How long have you been a widow?—A. Eleven years.

Q. Will you give your age?—A. I am 41.

Representative CARTER. Mrs. Nicholson, you stated that after Mr. Johnson had made the advances to you in the supply room you jerked away from him, and came out of the supply room into the sewing room? Now, what followed that?

A. Well, I went out, and I went in the lavatory and cried; I did not cry before the girls; I was quite hysterical about it.

Q. When Mr. Johnson made the advances to you in the supply room did he attempt to conceal himself or get out of the way?—A. No; he just stepped behind the door was all, around the corner.

STATEMENT OF MRS. JENNIE C. McMANUS, LAUNDRESS, CUSHMAN INDIAN SCHOOL, TACOMA, WASH.

Mrs. Jennie C. McManus, being first duly sworn by Inspector Linnen, testified as follows:

In taking that oath I will swear to what I personally know; I wouldn't say anything that anybody else has repeated to me, because I don't know that anything that is repeated is true; I will not swear to any hearsay or talk; so far as I am personally concerned, and as far as I know, I will tell the truth, and I am not afraid to tell anything I know about Mr. Johnson.

Representative CARTER. But you won't tell what you have heard about him?

A. "I will not repeat anything that will bring anybody else into trouble," I said to Mr. Griffith. He said: "If you hear gabble, don't pay any attention to it." I said: "There is one thing good about being deaf: I never like to repeat anything I hear because I am not sure I get it exactly straight." And he said: "That is a good thing, use your eyes and not your ears"; so I never like to repeat anything for fear I won't get it just right.

Inspector LINNEN. What is your full name?

A. Jennie C. McManus.

Q. You are a widow, Mrs. McManus?—A. I am divorced.

Q. How long have you been in the employ of the Government?—

A. I served upon my probation—I suppose you call it—just before I was appointed permanently here—I was at Tallalup three months and I have been here a year the 6th of November.

Q. What position do you occupy?—A. Laundress.

Q. At what salary?—A. Five hundred per annum.

Q. You are well acquainted with Supt. H. H. Johnson?—A. Just through my work. I don't know what you would say—any more than my work brings me in contact with him, that is all.

Q. Has he at any time ever been—ever made any improper advances?—A. No.

Q. Or act in a peculiar manner toward you?—A. Well, no; I don't think he has. I don't know what to say, because I did think that was familiar for a man to act that way—to walk up and take my

arm, but I don't think so now. I think it is just the way he does with anyone.

Q. Did he on one occasion take hold of your arm and treat you in such a manner as to cause you to be suspicious of his actions?—A. I did not just like to have him do that, but I don't know whether he was evil-minded or whether I was. One don't always know how to take such things.

Q. But you rather objected to it at the time, did you?—A. Well, yes; I didn't care to have anybody walk up and do—well, I don't know what to say—I don't like to have anyone come up and take hold of my arm.

Q. Have you seen Supt. Johnson treat the large girl pupils in the Cushman School in the same manner—take hold of their arms, and so on?—A. Let me show you what he did [indicating]. In talking he did that way, that was all, and I simply drew away. That was all there was to it. I don't know just what you would call it.

Q. Did he ever attempt it again after you drew away from him at that time?—A. No; he never did. In coming to the laundry he never any more than came close to me to talk to me. When the machinery was running and all that he always stepped up close; they all do that, but he never did. I am inclined to be a little bit too much that way maybe, and I was sorry that I ever felt suspicious toward him after I knew him better. I thought that it was just merely a kindness. I don't really believe there is anything bad about Mr. Johnson. I could not bear to think it. One never knows. I had no idea whatever that there was any such thing against Mr. Johnson.

Q. I didn't understand you.—A. I say, I had no idea that there was any such a thing about an investigation about Mr. Johnson's conduct among the ladies.

Q. Well, didn't you say you had some suspicions about his intentions the first time—the first time he took you by the arm?—A. I did not like to have him do that way with me, but when I saw the way he acted about other people—he acts that way about anyone.

Q. At that time that he had taken you by the arm you would not have been surprised then to have heard that he was being investigated for something of that kind, would you?—A. Well, I don't know. I might have thought even then that it was me that was offish, and I hadn't ought to feel that way about it. I don't know.

Q. You say you don't want to tell anything you have heard about it?—A. No, sir; I don't. If I may lose my position, that is all there is to it; to drag somebody else in the more for some silly gabble.

Q. Well, you won't lose your position on that account.—A. One hears so many things.

STATEMENT OF MISS OLIVE A. LAMBERT, MATRON CUSHMAN INDIAN SCHOOL, TACOMA, WASH.

Miss Olive A. Lambert, being first duly sworn by Inspector Linnen, testified as follows:

By Inspector LINNEN:

Q. What are your initials?—A. Miss Olive A.

Q. How long have you been in the Government service?—A. Over 19 years.

Q. And where were you employed prior to coming to the Cushman School?—A. I was employed at the Jicarilla School, in northern New Mexico.

Q. How long were you there?—A. I was there two and a half years.

Q. How long have you been at the Cushman School?—A. Five years.

Q. What position do you occupy?—A. Matron.

Q. Head matron?—A. Head matron; yes, sir.

Q. At what salary?—A. \$660.

Q. Are you well acquainted with Supt. H. H. Johnson?—A. I am.

Q. And you knew him prior to coming to Cushman, did you not?—A. Yes, sir; I knew him. I have known him for 17 years, with a few exceptions. I think it is about 17 years since I first knew Mr. Johnson.

Q. What have you to say with relation to his conduct and treatment of the Indian lady pupils at the Cushman School? Is his conduct such as causes comment, and do you believe it in the best interest of the Government service?—A. Well, of course all I have is the girls' stories for it; of course I have seen Mr. Johnson, but at that time I thought nothing of it.

Q. You have seen what?—A. I have seen him, in talking to a girl, just put his arm around her; of course, as I say, at that time I did not think anything of it; of course the girls have made—have talked about it, and of course—I only had one girl come to me direct and tell me—

Q. Who was that girl?—A. That was ———; she is not here now.

Q. How old a girl is she?—A. I think she is 16.

Q. What tribe does she belong to and where does she live?—A. I don't know to what tribe she belongs; she is only a quarter Indian, I think. Just where she is now I don't know.

Q. When did she talk to you, and what did she say?—A. I think it was last November; I am quite sure it was; she came to me, and Mr. Johnson was on a tour of inspection of this building and he went upstairs; of course he went alone to do the inspecting upstairs; it was on Saturday morning and she said he entered her room, went in her room of course to inspect the room, and he asked her to kiss him, but she refused to do it; but he kissed her, so she says, and he wanted her to put her arms around his neck, but she refused to do that, and I think she said that she raised them or he raised her arms and put them up around his neck, and then, of course, he went a little further than that; he laid his hands up across here.

Q. On her breast?—A. Yes; but she said, "I have no witness, and he can say he didn't do it." But she said, "he did do it"; but she is the only girl ever came to me direct. Of course I got it from other girls, what they had told me. Of course, in the first place, it came to me from outside; some one told me from outside. Miss ———, something she told about Mr. Johnson kissing her.

Q. Who was it she told; who was it told you?—A. It was a ———; she said he kissed her. Of course this other girl was staying at ——— and she told her; but of course I have heard since—I didn't hear direct from the girl, but it was the assistant matron;

she came to me last spring—last summer before she went away—and wanted to know about it; and I made the remark to her, I said, “Miss ———, the girls tell things; you can not always depend on what they say; I don’t want you to allow them to talk to you.” She said girls made a remark that Mr. Johnson had kissed a couple of girls; of course they are not here now.

Q. Who was the lady that told you this?—A. Miss ———.

Q. Who were the girls?—A. I won’t say positively, but I think one of them was ——— ———, and the other was ——— ———; she is not here now. Of course that I had not heard anything about; of course I have heard of ——— ———. I heard the girls speaking about her, too.

Q. What did they say about her?—A. They said he kissed her and felt of her limbs, and so forth.

Representative CARTER. Felt of her limbs?

A. Yes; that was told me; as I say, I have no proof if this.

Q. Who told you this?—A. Well, ——— ——— was the girl that told me that.

Q. One of the pupils?—A. Yes; and then this little girl that got the tablet awhile ago, said ——— told her about kissing him.

Q. This little girl, what is her name?—A. ——— ———. Of course these children get hold of these papers, and was reading them and she was talking to me; she told me that the other day; of course I had heard it.

Q. Do you know anything about the death of ——— ———?—A. I don’t know anything about it further than what I saw in the papers.

Q. Did you ever hear any rumor that her death was occasioned by some affair she had with some one in the school?—A. No; I heard this charge, that it was occasioned by some affair—love affair she had had with some—I understood that it was some man at her home.

Q. You never heard her name or her death mentioned in connection with Mr. Johnson, did you?—A. No; I never did; I never heard it.

Q. Where did she commit suicide, at home or here?—A. No; at home that occurred; I don’t know whether that was July or August; it was August after I went home.

Q. August of this year?—A. Yes; August of this year.

Q. Did Mr. Johnson ever attempt to make any advances toward you?—A. Never.

Q. He has always treated you as a perfect lady?—A. He has always treated me in that respect as a perfect lady.

Q. Is there a good feeling between yourself and Mr. Johnson?—A. Well, I can not say that there is exactly, no; because I have thought at times that he did not—there was some feeling of some sort; of course, I don’t know what it was; I have met him at different time when he would give me no chance to speak to him; then maybe he would; of course Mr. Johnson has never said anything to me one way or the other.

Q. He has never criticized your work?—A. Never to myself, no; he never has.

Q. Have you heard of him criticizing it?—A. No; I have not.

Q. Never had any words with him?—A. No; never had any words with him.

Q. You came here with him, didn't you?—A. I came here with Mr. Johnson.

Q. He brought you along?—A. Yes; he brought me along.

Q. And doubtless values your services very highly or must have at that time?—A. Well, yes; of course, he may yet for all I know.

Q. You are an Indian yourself, are you?—A. No, sir; I am not; not one drop of Indian blood.

Q. Where did you enter the service from?—A. I entered the service at Omaha, Nebr.

Q. Is that your native State?—A. Yes.

Q. You have told us of all the girls that you have heard of Mr. Johnson attempting to make advances to?—A. Now, there was ———, she came to me with that story; I would not say positively what girl it was told me; you get those things a number of times; of course this girl worked down at Mr. Johnson's home.

Q. Well, I will ask you if you ever heard of his attempting familiarity with the following girls: ———?—A. Yes, sir.

Q. ———?—A. No; I never head of ———.

Q. ———?—A. Yes.

Q. ———?—A. Yes.

Q. ———?—A. Yes, sir.

Q. ———?—A. Yes, sir.

Q. ———?—A. No, sir.

Q. ———?—A. ——— and ——— was, is the same girl.

Q. ———?—A. Yes, sir.

Q. All these you heard of indirectly save one?—A. Yes; and that is ———, she came to me directly and there was another little girl with her when she came.

Q. Are there any others other than those? Just stop now and think carefully if you can remember any other girls other than these we have mentioned?—A. You are speaking of the girls only, of course?

Q. I will add "or employees," or lady employees?—A. Of course, I heard of Mrs. Nicholson; she told me that herself; I don't recall the name of any other girl.

Q. Have you heard of any other employee besides Mrs. Nicholson?—A. Well, I have; yes; that is, never——

Q. Give us their names, please.—A. Further than this, that he visited her; that is all; visited her rooms; that is all I know; ———, the familiarity part I don't know anything about.

Q. Mrs. ———?—A. Yes; Mrs. ———.

Q. What did you hear that he did with Mrs. ———?—A. Why, I didn't hear anything, only that he just made visits down there.

Q. Did she tell you herself?—A. No; it was just a rumor around generally, is all.

Q. At what time did you hear that he visited her rooms? What time in the day or night?—A. Well, I guess he would drop in most any time.

Q. Day or night?—A. Evening.

Q. Evening?—A. Not late.

Q. Evening, after dinner?—A. Yes; drop in.

Q. How many times did you hear that?—A. Oh, I couldn't tell you.

Q. Can you remember any particular time that you heard of him visiting her room?—A. No; I could not name any particular time, really.

Q. It was usually after dinner in the evening?—A. Yes; or during the morning; during inspection, something of that sort.

Q. Well, can you give us the name of the person that told you that?—A. Yes; I can give you the name—Miss —— and Mrs. Nicholson.

Q. What does she do?—A. She is a teacher.

Q. How long did you hear that he stayed in the room when he went?—A. Well, as to that I would not like to say, because really I don't—just as those things get around, rumors, just as those things get around.

Q. Did you hear anyone say how long he stayed in the room?—A. I don't remember of hearing anyone say just how long he stayed there.

Q. But he spent considerable time there at different times?—A. Well, I hear that he did; yes.

Inspector LINNEN. The circumstances connected with his visits looked rather suspicious, did it?—A. That is what different ones thought; yes.

Q. Now, let me ask you this: As head matron of the Cushman School in charge of the welfare of the girl pupils, do you approve or have you approved of the conduct of Supt. Johnson toward your girl pupils?—A. I have not.

Q. Have you been suspicious that his intentions were not always of the best?—A. Well, I will answer it this way: My hearing those stories, of course, I did believe that they were not—was made to believe that they were not.

Q. You do not believe that his familiarity was well intended toward these girl pupils?—A. No; I certainly did not.

Q. Have you any reason to doubt the honesty of the different girls who have told you of these things in connection with Superintendent Johnson?—A. No, sir; I have no reason to doubt them.

Q. You are of the opinion that they are the truth?—A. I think they are.

Representative CARTER. Are the girls truthful, as a rule, about a matter of that kind?

A. Well, on an average, I think.

Q. What do you think of the veracity of Indian girls in a matter of this kind in comparison with white girls?—A. Well, I often think they are apt to put more to a story than white girls are.

Q. Was this girl —— who told you of Mr. Johnson's attempted familiarity with her a truthful girl?—A. Not at all times.

Q. She would sometimes exaggerate, would she?—A. Yes; she would.

Q. Well, would she tell a willful, malicious falsehood about a matter of this kind?—A. No; I don't think she would; I think she would tell me the truth.

Q. Do you know of any other lady employee now here or that has been here that there was any talk about in connection with Mr. Johnson?—A. I know of no one here—no one else here.

Q. You have given us all the information you have?—A. I think that I have.

Inspector LINNEN. I will now ask you, Miss Lambert, if there is anything else within your knowledge affecting the conduct of the Cushman School or of Superintendent Johnson or any other employee or person connected with the said school, that you believe it is your duty to give the information of at this time? If so, state fully?

A. I don't know as there is. Of course I have felt since I have been here that Mr. Griffith was not always just in his dealings with different ones.

Q. Mr. Griffith is the assistant superintendent?—A. Yes, sir.

Q. In what manner would you criticize any of his actions?—A. Of course, he is kind of quick, and I have often thought that he did not always stop to reason the matter out before reprimanding people in regard to different matters. Of course, I have thought that he reported matters that did injure other people; of course, I had a sister here as a cook and I always felt that it was he—he done wrong. Of course, Mr. Johnson never went to my sister; if anything went wrong he always came to me and he came to me—we were going home—and he said, "I am sorry to make this statement to you but," he said, "I can not have your sister here another year," and he asked me if I would tell her. Well, I did just as he asked me to do. Of course she made out her resignation and he accepted it; he just simply stated she resigned her position as cook at the Indian school at Tacoma. Of course I felt—never could absolutely prove—that Mr. Griffith was at the bottom of that, but I always felt he was.

Q. You believe he did her an injustice?—A. Yes, sir; I think so.

Q. What reason did he assign for her not remaining in the service?—A. Well, he thought she was a little too severe with the children, especially his.

Representative CARTER. You have never heard any accusations against Mr. Johnson about drinking, have you?

A. No; I have not but maybe—now, Sunday, there was; you put the question to me pointedly and I will have to answer: Sunday I was visiting an employee who used to be here at the school, a Mr. Wicking, and he made some remark. I could not tell you just exactly what; it was about Mr. Johnson drinking.

Q. Who was that?—A. Who? Mr. Wicking; he used to be engineer here.

Q. What does he do now?—A. He is engineer at the Tacoma Building.

Q. What is his initial?—A. Well, he is Fred Wicking.

Q. Is that the only accusation you have heard against Mr. Johnson about drinking?—A. I think so.

FRIDAY, DECEMBER 5, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
331 Senate Office Building, Washington, D. C.

The commission met at 2 o'clock p. m., pursuant to the call of the chairman.

The following members were present: Senator Joe T. Robinson (chairman), Senator Harry Lane, and Representatives John H. Stephens, Charles D. Carter, and Charles H. Burke.

STATEMENT OF H. H. JOHNSON, SUPERINTENDENT CUSHMAN SCHOOL, TACOMA, WASH.

The CHAIRMAN. Having been informed that Supt. H. H. Johnson, of the Cushman Indian School, Tacoma, Wash., was in the city and desired to present some matters to the commission in connection with his suspension as superintendent of the school and agency, I asked the commission to convene at this place and hour for the purpose of hearing such matters as Mr. Johnson desires to present. Mr. Johnson is present, and we will be glad to hear his statement.

Supt. H. H. JOHNSON. I am not a very good speaker, so I have written what I have to say, and will read it:

(Mr. Johnson's statement is attached hereto, marked "Exhibit A.")

The CHAIRMAN. All right, Mr. Johnson, your statement will be inserted in the record as a part of it. The chairman desires to state that the relationship of Mr. Johnson toward the young lady pupils of the Cushman Indian School was called to the attention of the commission while at Tacoma after it had been in session for several days. The commission was informed that it was a common repute among the young lady pupils in the school that Mr. Johnson was in the habit of fondling and caressing them. Acting upon the information, Inspector E. B. Linnen was requested to procure the attendance before the commission of one of the young lady pupils, and she was examined by the commission. A number of the young lady pupils in the school were subsequently called, and corroborated the statement of the first witness, Miss ————. Among them were Miss ————, who until recently had been a pupil in the school. There was also Miss ————, Mrs. Nicholson, Miss Olive Lambert, Mrs. Jennie McManus—the latter's testimony was not material: the latter three being employees at the Cushman School, who testified, in substance, that it was a matter of common repute among the young lady pupils that Supt. Johnson was in the habit of fondling and caressing the young lady pupils of the school.

The commission considered very seriously the question as to whether it would be right and best to confront the witnesses with Supt. Johnson and allow him to cross-examine them as to these matters, and it finally concluded that owing to the fact that he was superintendent of the school and in a peculiar relation with the young ladies, it would not be proper to insist upon it. The commission did decide, however, that, in justice to him, and considering his record as superintendent of the Cushman School, which was very satisfactory in many respects, he should be heard.

Supt. Johnson's testimony as to the above rumors was also taken, in private. His attention was called, in substance, to the testimony of each one of the young lady witnesses who were called—at least several of them—and he denied any knowledge of the facts that they had testified to. The commission, so far as the chairman is concerned, has no objection to Supt. Johnson being furnished with a copy of the testimony given against him, and we would be very glad to have him submit any evidence he desires to submit to the commission. Further than that I have no suggestion to make.

Representative BURKE. Were you furnished with the names of the persons who testified against you?

Mr. JOHNSON. Yes, sir; the names.

Representative BURKE. You say that the matron refused to permit the girls to be interrogated by you, under the direction of Inspector Linnen?

Mr. JOHNSON. Yes, sir.

Representative BURKE. Is it not true that some of these witnesses are employees of the school?

Mr. JOHNSON. Yes, sir; a few of them.

Representative BURKE. Were you furnished with a copy of the charge that, in effect, it was a matter of common repute among the girls in the school and in the town that you were in the habit of doing the things mentioned?

Mr. JOHNSON. I don't think it says it was a matter of common report in town. I have a copy of them here. It does not say anything about that.

Senator LANE. These are the charges of the Indian Department?

Mr. JOHNSON. Yes, sir.

Representative STEPHENS. Whom were they preferred by?

Mr. JOHNSON. Inspector E. B. Linnen.

Representative STEPHENS. I notice the name of Mrs. ———, and some statement about her. Did you obtain her statement?

Mr. JOHNSON. Yes, sir.

Representative STEPHENS. Among the girls mentioned is one who is now married and not under the supervision of the matron. Did you obtain her statement?

Mr. JOHNSON. No, sir; I could not get it. She was 100 miles away.

Representative BURKE. Well, it is about two months since the commission was there.

Mr. JOHNSON. Two months ago to-day.

Representative BURKE. I do not mean that I have any desire to do you any injustice. Mr. Johnson, but you have got to convince me that these charges were without foundation, that they are false, and that, supported by your own statements or affidavits or something like that, if you can do so; and unless you do that I do not feel that you can get very far.

Mr. JOHNSON. I show in my defense that the testimony of a part of the witnesses was improper. I have the direct testimony that this Mrs. Nicholson and Miss Lambert talked to one of the girls about the testimony she gave. This was after you left. The girl came there and her statement was taken down early in the morning by Supervisor McChesney before anybody else had seen her. Then she went away and returned about 11 o'clock, and when she was to sign the statement she insisted upon wanting to change her statement.

Representative BURKE. That was after the commission left Tacoma?

Mr. JOHNSON. Yes, sir.

Representative BURKE. Were not your relations friendly with the matron?

Mr. JOHNSON. Yes, sir.

Representative BURKE. Were you not partial to her?

Mr. JOHNSON. Well, she had been with me for 17 years.

The CHAIRMAN. And did you not inform the commission before these matters came up, on several occasions, that you had a high regard for the matron, and speak highly of her as having been in the service with you for 17 years?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. Have you anything to say now that would cause you to believe that that woman was prompted by any malice in giving the statements she did?

Mr. JOHNSON. Yes, sir. I had her sister there two years ago as a cook, and the woman went insane. She abused the children. She would strike them when they came around the stove and rub molasses in their hair. I had to get right after her about it, and finally got rid of her. Ever since that time the matron has not been friendly toward me. Although, not speaking of her unfriendliness, I do concede her ability.

Representative BURKE. I may say that the recommendation you gave of the woman went a long ways with me. She did not appear to have any desire to injure you, and she stated when the question was put squarely up to her that there was a general report that you did do these things. I do not like to see a man's character destroyed—I would not like to have my own destroyed—but do you think you could be retained there if these things prevail?

Mr. JOHNSON. Mr. Burke, this thing came to me just like a thunderbolt out of the clear sky. I have been in the service for 17 years, and given the best part of my life to it, and to a man in middle life this would be an awful thing. I have worked hard with that school and tried to break down the barrier of restraints and difficulties that have arisen, and my heart is in the work.

Representative BURKE. I want to call your attention to another thing. First, I will ask you a question. Do you want this commission to believe that these statements given by these witnesses were without any foundation, or do you mean to say that you will justify what was done by you?

Mr. JOHNSON. I can justify whatever I did.

Representative BURKE. Then you are willing to admit that there was something to the reports that formed a foundation for their being made?

Mr. JOHNSON. Yes, sir.

Representative BURKE. Well, didn't you deny them in toto when the commission was at Tacoma?

Mr. JOHNSON. Just as I said, Mr. Burke, this thing came like a thunderbolt out of the clear sky. There wasn't anything to the tales they told, and I can prove that my relations in that respect were not improper.

Representative BURKE. Yes; but you absolutely denied all of them when we were out there. I regret it very much, but I don't mind saying that I had a very high estimate of you and your work at the school, and I was very reluctant to consent to any suggestions that you ought to be separated from the service. I want you to know my position—that you have got to clear yourself.

Mr. JOHNSON. Well, you take the case of ————. She was a girl that perhaps has come under my notice more than any other of the girls. She has had ever since she has been there trouble with her eyes, and on one occasion I took her down town to have them

treated. When the work was done she was dizzy, probably from the effects of the anesthetic, and I picked her up and carried her to the automobile. I had my arms around her, of course, in doing that. When we got back I picked her up and carried her into the room and laid her on the bed.

Representative BURKE. Why didn't you state that to the commission before, when we were out there?

Mr. JOHNSON. It did not occur to me as being improper.

Representative ALBERT JOHNSON of Washington. Mr. Burke, don't you think that if a man is charged with all these things and doesn't expect them of pupils that had been with him for five or six years when he is confronted with them he would deny them?

Representative BURKE. Not if he expected to explain them.

Representative JOHNSON. There was nothing to explain. He doesn't believe that what he did was wrong.

Representative BURKE. Have you the testimony there, Mr. Chairman? I understand that these questions were put squarely up to Mr. Johnson as facts and that he denied them absolutely.

The CHAIRMAN. Subsequent to the taking of Mr. Johnson's testimony in Tacoma the testimony of five or six other girls was taken, and, of course, Mr. Johnson was not asked about the details of their testimony, but in two or three instances he was asked directly about the testimony the other girls had given, for I remember asking them myself, and in each case he flatly denied their statements.

Representative JOHNSON. Suppose he had asked for a lawyer at that time——

The CHAIRMAN. Mr. Johnson, this was not a criminal trial. This is an investigation to correct existing abuses in the Indian Service, and there is no one who has a disposition to oppress Mr. Johnson. As stated in the beginning, he made a very favorable impression with us. But in a school of young lady pupils, where the superintendent is charged with conduct of that sort, it does not appeal to me, to say that he did not have a lawyer, is a very important consideration. But I want to emphasize the fact that there is no disposition to oppress Supt. Johnson.

Representative JOHNSON. In reply let me say Mr. Johnson did not ask for a lawyer; these charges against Supt. Johnson from the Interior Department are dated October 22, 1913, and he is given 20 days in which to file an answer. He has come East as quickly as possible. He is a constituent of mine, and I am trying to find a way not to further prejudice his case. I have had letters from many people out there, and I know a little something about the matter myself. I have lived out there many years and have ridden on a bicycle all through that country among the Indians and I know something about them. How serious these charges are, I do not know. But I receive constantly complaints from the Indians; a great many amount to nothing. Where they have been sufficiently important I have taken them up with the Indian Office. I am saying this in all fairness to the commission, and in my desire to cooperate with it in its work, and we did and do hope that a straightening out of these charges will be brought about; and for that reason I asked you if you could arrange for this meeting to-day. My private opinion is that Mr. Johnson's case was prejudiced the minute they commenced to print news of the charges in the paper.

Representative BURKE. As a Member of Congress, Mr. Johnson, what would you suggest that this commission do?

Representative JOHNSON. I do not know that they can do anything. I do think that these charges of these girls ought—

The CHAIRMAN. These are not charges by these girls. They are simple statements of fact, details of transactions which they said occurred. They offer no charges. They were very reluctant witnesses, and it is very different from the general complaints that come up from the Indian Service. It is true or untrue that "he did take me down in the basement and hug and kiss me." You surely don't mean that these young lady witnesses went on the stand and testified falsely or anything of that sort?

Representative JOHNSON. I certainly do.

Representative BURKE. You would, of course, take into consideration the deportment and appearance of the person?

Representative JOHNSON. What I do say is that I have known many Indian men to charge that others had stolen their money, and make other charges that were not true, or ever based on anything of substance.

Representative BURKE. Suppose you were in the Indian Service, would you not require of a superintendent of a school like that that he keep himself above reproach, and would he not lose his usefulness if things like these are matters of common report?

Representative JOHNSON. I take it that that is exactly the feeling of this commission.

Representative BURKE. For the good of the Indian Service I think that Mr. Johnson ought to be separated from it. Do you think that Mr. Johnson could be given any exoneration?

Representative JOHNSON. That is not for me to say. I don't know.

Supt. JOHNSON. Dismiss me from the service, or put me where you will, will be absolutely unjust. I have devoted the better part of my life to that work, and have tried to break down, as I said, every barrier of restraint. As to improper relations with the girls in the school, I do not think that I have done anything that is improper.

The CHAIRMAN. What do you mean by improper relations?

Supt. JOHNSON. Hugging and kissing them.

The CHAIRMAN. Do you know any reason why, for instance, Miss _____, Mrs. _____, Miss _____, Miss _____, Miss _____, or Miss _____ should make these specific statements alleging this conduct on your part? Do you know of anything that would prompt them to do that?

Supt. JOHNSON. Yes; there are two or three things. Miss _____ is a girl that was brought there by her brother, and he told me at the time that she was unruly. I had occasion to refuse to allow her to go home once, and she did not like that. In fact, she is a girl that had very little to say to me. I can not account for Mrs. _____'s statement. I had always regarded her as one of the best. Unless it is this: Her husband was on the Quinaielt Reservation this last summer and was under the domination of a man who was and is a henchman of this man Richard Adams. I would not do some things he wanted done, and he stated that he would get rid of me.

Representative JOHNSON. Adams is "grand sachem" for the American Indians. He has tried to get hold of some oil leases out there.

Supt. JOHNSON. Yes, sir.

Representative CARTER. Who told you about that?

Supt. JOHNSON. Billie Mason.

Representative CARTER. Is he not one of those Indians whom you could not believe under oath?

Supt. JOHNSON. Yes, sir; he is one of those Indians out there. Mrs. Nicholson is my bitter enemy. I have been trying to get rid of her for two years, and she knows it. She is a venomous and unscrupulous woman. My wife and I have known her for 20 years. I am satisfied that this woman has taken these girls and poisoned them against me and kept them prepared for the proper time. My wife told me that I would have trouble with her before she got away. She used to be my assistant matron, but that work did not suit her, and later I put her in the sewing department. But her enmity dates from the time she was manager of the school mess. The employees vote on who is to be the manager of the mess, and she did not suit; so they voted her out. She received her daughter's board as compensation for that work. Voting her out made her very bitter, and I had to reprimand her from time to time, until last April I had to give her the severest reprimand that I have ever given an employee.

I have filed with the department the testimony of the employees at the school, except that of Mrs. Nicholson. Miss —— was one of the best witnesses in my favor. She says that she never saw anything that she considered improper.

The CHAIRMAN. Miss —— testified before the commission that she saw you put your arms around the girls, but she never said that she saw any criminal conduct on your part.

Supt. JOHNSON. Right there, that testimony as to my putting my arms around the girls, that is without foundation, and that is all there is to it. I know Indian girls pretty well, and to be alone with one of them is something that I particularly avoid, because they attach more importance to a thing like that than we do. As I started to say a while ago and somebody interrupted me, I have always cautiously avoided that, but at the same time I have tried to establish a fatherly interest with the girls, and there have been times when they would want some little favor or a special party, or something like that, and they would walk along with me and take hold of my arms, asking for those little favors. And as far as it being a matter of common repute that I put my arms around them and fondled them and things like that, there is nothing in that. Just as I said to you two months ago, this thing came to me just like a thunderbolt; it is something that I had never dreamed of. I could go back to that school tomorrow and things would go right along as nicely as ever. I would have been out of the service six years ago if it had not been for Commissioner Leupp. He asked me if I would not go out there and build up this trades school. I consented, because I had my children in school; otherwise I would not have gone. My heart is in the work now and I have given the best part of my life to that work.

Representative STEPHENS. Mr. Johnson, have you ever been changed from one school to another?

Supt. JOHNSON. I am at my sixth post now.

Representative STEPHENS. Have any charges been preferred against you before?

Supt. JOHNSON. No, sir. Every change has been a promotion. The Indians preferred some charges against me when I was down in New Mexico, and they sent a supervisor down there to investigate it.

Representative STEPHENS. Who was the supervisor?

Supt. JOHNSON. Mr. Conser, now superintendent of the Sherman School, at Riverside, Cal.

Representative STEPHENS. What reservation was that on?

Supt. JOHNSON. Jicarilla.

Representative STEPHENS. What was the nature of the charge?

Supt. JOHNSON. They accused me of shooting some of their dogs. Every change that I have made has been in my favor. It has been a promotion each time.

Representative BURKE. I gather from this record that I hold in my hand (hereto attached as a part of Supt. Johnson's testimony, and marked "Exhibit B") that many employees and some pupils in the school were examined in your presence, and by you, and in the presence of Supervisor McChesney?

Supt. JOHNSON. The employees; yes, sir.

Representative BURKE. Were you prevented from having the privilege of having the testimony of some of the other pupils who testified against you?

Supt. JOHNSON. Yes, sir; by Miss ——.

Representative BURKE. She said she would not allow it?

Supt. JOHNSON. Yes, sir; because she had orders from Inspector Linnen to that effect. Do you think that these things could go on as alleged among 38 employees and none of them know anything about it?

The CHAIRMAN. If you are cross-examining me upon the proposition, I will say, that while a good many young men pupils in the the school, at least, some of them, stated to me that they heard of it, they had not seen it with their own eyes. But one doesn't usually do things of that sort when he thinks some one is watching him. Unless you have some statement you want to make, I don't care to go any further.

Representative JOHNSON. If I stated that I would not believe Indians under oath, I did not mean, of course, all Indians—but I have had so many petitions and complaints from those Indians out there that were without foundation. I have lived out there within 25 miles of the Quinaielt Reservation, and I know what the situation is there.

Supt. JOHNSON. Gentlemen, you know what it means to be dismissed in the middle age of life. It means that I am branded for life and for all time.

The CHAIRMAN. There is not a member of this commission that does not realize that.

Supt. JOHNSON. I want to say one more thing. It is evident that you all believe I am guilty of these charges. I am not charged with anything criminal. I ask you gentlemen to give me another chance, and let me show you. You can supervise my conduct and let me

show you that in the future I can build up an institution that the service will be proud of.

The CHAIRMAN. I think I ought to be frank with you. Conceding these charges to be true, I would not be willing to do that. I will tell you why. I take this view of it: One who is intrusted with the superintendency and control over female pupils, and stands, as we say, in "*loco parentis*," his power for harm, when exercised by suggestions of immorality, such as naturally follow in the minds of young girls, is, in my judgment, greater and more far reaching than acts of criminal intimacy. Every consideration leads me to that conviction, because when one controls a position of that sort, and so abuses the relation as to be criminally intimate with the pupils, he would only deserve to be punished. But where the relationship is cordial, and improper suggestions by fondling and caressing children at the age of 14 and 17 comes from one whose motive is not openly bad, it is liable to lead to debasement and moral degradation of the child. And for that reason, taking your proposition if the charges are true, disagreeable as it is and regrettable as it is, I feel that I would not be willing to make the recommendation that you be continued in the service.

Supt. JOHNSON. On the other hand, if I can not disprove them, am I not entitled to the benefit of the doubt?

The CHAIRMAN. No; I would not be willing to continue a man of that relationship in the service, because our first duty is to the service, and I must have no reasonable doubt that his conduct is such as will promote the good of the service. Now, I thought possibly, when this first came to my mind, that your fondling these girls, if it had been true, had occurred somewhat negligently and without thought as to how they might regard it. I asked you that question directly when the commission was at Tacoma, and I remember it distinctly. Your answer was that it was not; that as a matter of fact it had not occurred.

Supt. JOHNSON. I still maintain that this hugging and kissing is not true. I never did anything of that kind in my life.

The CHAIRMAN. It is ordered that the reply of Mr. H. H. Johnson, together with the statement and copies of the affidavits of persons and witnesses attached thereto, be printed as a part of the hearing.

EXHIBIT A TO STATEMENT OF H. H. JOHNSON.

It is not my purpose at this time to offer evidence to you in my defense. This has already been submitted to my chief, the honorable Commissioner of Indian Affairs.

It is my desire now to respectfully present for your earnest consideration my view of the events that transpired on the occasion of your visit to Tacoma. And right here I wish to express my appreciation of the complimentary remarks you passed upon my business administration and on the administration of the Cushman School, which I have worked so hard to make the leading school of the service.

The proper safeguarding of the morals of my pupils is ever uppermost in my mind; and when you presented the charge of immorality, I could do nothing but gasp with astonishment, deny the charge, and ask to be confronted with my accusers.

I feel that I should have been allowed to face the witnesses against me, hear their testimony, and should have been given opportunity for questioning them. This is a right accorded to the worst criminal in the land. This opportunity was not given me at the time I met you nor have I had such opportunity since.

When I was preparing my defense to the charges I asked the opportunity of questioning the girls mentioned therein. Supervisor McChesney recognized the fairness of my request, but when the matron of the school was approached she stated with great positiveness that she would not grant my request, as she had been given an ironclad order by Inspector Linnen not to allow me to take statements from any of the girls. Supervisor McChesney did not wish to antagonize the inspector, and I was powerless to force the matter. I ask you in all candor, "Is this fair? Is it fair to deprive any man of proper means of defense to a charge?" Why was the inspector so decidedly opposed to my interviewing the girls? If he had been sure of the girls' testimony, why should it have mattered to him how much I questioned them?

Failing in being allowed to question my accusers, I requested a transcript of the testimony taken by your committee and by the inspector. Here again I was simply asking what I believe you will all concede to be my right. This was denied, and I was simply furnished with the direct charges. This placed me in the same condition that a prisoner at the bar would be in if compelled to plead his cause before the evidence of the prosecution is offered.

Some—and, for aught I know, all—of you gentlemen are members of the bar. Is it a customary procedure for the court to examine witnesses in secret, and upon the testimony of these witnesses formulate the charge against a man, and upon his plea of "not guilty" to immediately close the case and pass judgment? I do not wish to be disrespectful, but I contend that this is, in effect, what happened when your committee recommended to the Commissioner of Indian Affairs that I be removed. It is fair to assume that your recommendation will have a bearing on his judgment of the case.

I respectfully submit that inasmuch as the charges have been preferred by the honorable commissioner it is but fair to me for you to convey to him your desire that he consider my case on its merits, without regard to the previous action of your committee.

In all my actions toward my pupils I have been governed by the purest motives. I have conscientiously tried to do what seemed right to me. If I have erred, I am sincerely sorry, as I am certainly innocent of any wrong intent.

In the full consciousness of my innocence, I rest assured of complete exoneration when my case is judged solely on its merits, with a full and fair presentation of both sides. I am not fighting primarily for my position, but to clear my character and reputation. Can you, gentlemen, bring yourselves to a realization of what it means to a man in middle life, who has a family dependent on him, to have his reputation ruined?

I have conscientiously given more than 17 of the best years of my life to the service of the Government. My life and my service have been clean and honorable. If I have wronged anyone, it has been unintentional, and I feel that a restoration of my character and reputation through a reinstatement is my due.

EXHIBIT B TO STATEMENT OF H. H. JOHNSON.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 22, 1913.

Mr. H. H. JOHNSON,
Superintendent Cushman Indian School, Tacoma, Wash.

SIR: The report of Inspector E. B. Linnen, covering his investigation of Cushman School and reservations under your charge, has been filed, from which investigation the following charges are formulated and preferred against you:

1. That you have at divers times acted in an improper manner toward certain of the older Indian girl pupils in the school under your charge, in that—

(a) On one occasion you came to the room of ———, age about 16 years, when she was alone, put your arms about her, hugged and kissed her, and

(b) While ——— was attending Cushman School you embraced, hugged, and kissed her.

(c) You embraced, hugged, caressed, and kissed ———, an Indian girl, who lived just outside the school grounds with her parents.

(d) You came into the room of ———, an Indian girl pupil, in the dormitory when she was alone and put your arms around her.

(c) You hugged and carressed ———, who has since committed suicide.

(f) You hugged and kissed ———, ———, ———, ———, ———, ———, and other large Indian girls.

(g) On one occasion during May, 1913, you went into the supply room of the building in which ——— was located; finding her alone you partly closed the door, put your arms around her, hugged, caressed, and tried to kiss her and acted in a very rude and unbecoming manner.

2. That you have paid such marked attention to ——— as to attract notice and unfavorable comment by employees and pupils, in that—

(a) You visited her in her room frequently, remaining an hour or more, while the door and transom were closed.

(b) You accompanied ——— to socials, lectures, entertainments, returning her to home in the building from dances which are held in the grounds.

3. That during the years 1910, 1911, and 1912 \$45 per annum, and during 1913, \$75 was paid you as funds derived from the sale of old junk and swill, which funds were not deposited or taken up in your accounts.

4. That at the close of the fiscal year, in order to have the working supplies available for the school during the summer months, you overpaid the following firms: Standard Oil Co., \$622.25; Hans T. Engoe, \$20.10; Kasper Feldman, \$42; Armour & Co., \$33; and deliveries practically made during the first quarter of the current fiscal year.

5. That for the two buildings under construction materials were purchased in June and vouchers for settlement were prepared and signed covering the entire amount and receipt of the hardware, supplies, etc., duly certified as to quality and quantity by F. W. Griffiths, assistant superintendent, and Wilson A. Herrig, manual training teacher, although, as a matter of fact, a majority of such building material was not delivered at the agency for a couple of months afterwards and does not appear to have been properly checked.

6. That you have failed to comply with the law in the matter of securing bids for articles such as hardware, lumber, and plumbing supplies by only sending proposals to one dealer handling each article and not procuring competitive bids.

These charges are submitted to you for such answer as you may care to make, showing why you should not be dismissed from the service.

File your answer within 10 days from the receipt of this letter, which you will promptly acknowledge.

Respectfully,

CATO SELLS, *Commissioner.*

CUSHMAN INDIAN SCHOOL.

Tacoma, Wash., November 25, 1913.

The honorable COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: In reply to office letter of October 22 preferring certain charges against me, I have the honor to make reply as follows, and to submit affidavits and other data to substantiate my defense.

1. I flatly deny that at any time have I conducted myself in an unbecoming manner toward any female pupil of the school. I have always taken my position of ex officio guardian of the children under my charge with the utmost seriousness and have conscientiously tried to place myself in a position of father and guardian to them. I have always tried to gain their confidence and esteem, and to so conduct myself as to be to them a true friend and adviser rather than the cold, harsh master. Any attentions I have shown the children have been prompted by the purest motives and have been, from my standpoint, only the exhibition of the kindly interest of the guardian for his ward.

(a) The allegation that I hugged and kissed ——— when she was alone in her room, or at any other time, is absolutely false. I have had enough experience with Indian girls to know that they regard being alone in a room with a man in a different light than do white girls. I have always made it an ironclad rule of action never to enter the room of one of the girls unless the matron or some other employee accompanied me. I never go to any part of the girls' dormitory except the office, halls, or playrooms without summoning the matron to accompany me, and this, even, seldom occurs except on the occasion of the regular Sunday morning inspections.

—— is notoriously untruthful and unreliable, as is shown by the affidavits of ———. This girl was enrolled in this school by her elder brother and guardian some three or four years ago. The brother stated to me at the time she was placed in school that she was unreliable and hard to control, and told me that it was his desire that she be closely watched. She has always been difficult to discipline and very resentful of proper supervision.

About two years ago she insisted on spending her vacation with some strange woman, but I denied the request, as her guardian had explicitly charged me never to allow her to leave the school without his order. Since this incident ——— would hardly speak to me, and she has been doubly hard to control, and she never loses an opportunity to stir up trouble among the other girls. Consequently she is under discipline most of the time. I can impute her motive in giving any testimony she may have against me to no other motive than a desire to cause me trouble on account of the rigid discipline that her actions have made necessary.

(b) The charge that I embraced, hugged, and kissed ——— is without foundation in fact. ——— was a small girl when I took charge of the school more than five years ago, and as a woman is scarcely larger than the average 14-year old girl. She has always been slight and delicate and has had much trouble with her eyes. On account of these conditions she came under my observation more than most girls in the school. This girl has a drunken father, and her home conditions were bad. She came to me with her troubles, which drew on my sympathies. Her attitude toward me was so frank and cordial that she frequently called me her "school father." A few months ago ——— became engaged to marry ———, an exemplary young man, a graduate of Whitworth College. ——— brought ——— to me at one of the school parties and told me of their engagement. I was probably the first person to receive this news. I was particularly glad at her good fortune and so expressed myself. ——— came to me voluntarily the next day and expressed his gratification at my approval of the match. It is true that I have picked this girl up and carried her in my arms, but the occasion was as follows: The trouble with her eyes got so bad that an operation was necessary. I took her to the surgeon, and after the operation she could not walk, owing to the effect of the anesthetic and to being blindfolded. I took her in my arms as I would a child and carried her to the automobile. During the drive to the school I supported her by putting my arm around her, and when we reached the school I carried her to her room, the assistant matron accompanying us.

On another occasion the unpleasant task fell to my lot of breaking the news to ——— that a favorite brother had been fatally injured by an explosion. The girl was sobbing with grief, and I laid my arms across her shoulders and attempted to comfort her.

Within the past few days I received a message from ——— and her husband to the effect that I had her hearty sympathy, and expressing the hope that my suspension would soon be removed and that I would again be superintendent at Cushman. It is inconceivable to me that this girl has testified that she believed that my actions toward her were other than those of a kindly interested guardian.

(c) That I hugged, caressed, and kissed ——— I emphatically declare a falsehood. This girl graduated from the Cushman School in June, 1909, and since that time I can not recall meeting her to exceed half a dozen times, except when I would see her in the gymnasium at the school parties, which she frequently attended in company with her mother.

This girl delights in sensationalism, is given to the telling of fantastic stories and malicious falsehoods. She is feared even by her relatives. I invite your attention to the affidavits of ——— and wife (Nos. 4 and 5), wherein they state that they saw a letter received by their daughter from ———, telling of her secret marriage to a young man on the Yakima Reservation. This statement was probably false, as the letter was written more than two years ago and ——— still lives with her parents, and is at present engaged to be married to one of the older boys now attending the Cushman School.

I also invite your attention to the affidavit of ———, which states that ——— own near relatives are worried over her propensity to falsify.

Now, as to the motive for this girl's testimony. A small community of Indians living near the school grounds consisting of this girl's parents, uncles, and grandmother, have for years been allowed to tap the school water system for their water supply. Two years ago the city water system was extended into

this neighborhood. Last summer it was necessary to replace the school water mains through the street adjacent to these homes. Thinking it necessary to conserve the water supply to the use of the school only, I refused to allow these people to tap the new mains. This forced them to the expense of making connection with and paying for city water. Since that time the entire family connection has been very bitter toward me.

(d) I positively deny ever being in a room alone with _____ at any time. In this connection I refer you to my remarks on the case of _____, wherein I state that it is my practice never to enter the room of a female pupil unless accompanied by another employee.

(e) I desire to say that the statement that I "hugged and caressed" _____ is not true.

_____ was a girl of but 14 years and small for her age. She and three sisters were left orphans about three years ago by the drowning of her father at sea. Since the death of the father these children had been obliged to stay in school the entire year without opportunity of a holiday. Last July an uncle of these girls offered to take them for the summer. Appreciating the good to be gained by the girls through the relief from institutional life for a period, I allowed the uncle to have the girls on his assurance that he would properly safeguard them. A few weeks later I learned that these girls were not having the proper care, and I wrote the uncle a very sharp letter, recalling his promise and threatening to take the girls back to school unless they were properly looked after. The uncle evidently showed the letter to _____, and as a result I received a letter from _____ assuring me that she was conducting herself properly. I respectfully submit this letter (No. 41), which will surely convince you that my attitude toward _____ was a proper one. You will note that the whole trend of the letter is to assure her superintendent that she was conducting herself as she knew I would require if she were at the school.

(f) The girls referred to in this paragraph, with the exception of _____ and _____, who is the same as _____ mentioned in paragraph (b), have been on the sewing-room detail and have come directly under the influence of the seamstress, _____, during the past two or three years. This is the employee that I have repeatedly informed your office was a troublemaker and a menace to the harmony of the institution. Referring to the last question and its answer in the testimony of _____, you will see that she had knowledge that _____ had discussed the testimony to be given against me with the girls.

I submit that _____ has rehearsed with these sewing-room girls the testimony they were to give; that she has suggested that my attentions to them were not proper; that she has seized upon my proper interest in the pupils and twisted it to make it look like evil. Something over two years ago _____ managed the Employees' Club, receiving as a compensation board for her 10-year-old daughter. Her management being unsatisfactory, the members of the club selected a new manager. This embittered her and she made it so unpleasant for the new club manager that it became necessary for me to reprimand her. Since that time the sewing room has become the center of an unrest and antagonism to the school management. Conditions became so bad that some time last April I called her to my office and reprimanded her more severely than I ever before felt it necessary to reprimand an employee. In this atmosphere the minds of these girls were poisoned against me, and I have no doubt that they have rehearsed with this woman the very words they were to use in testifying against me when opportunity offered. You will notice that this woman's charge against me (i. e., that I attempted to hug and kiss her) is identical with those charges brought by the girls, notwithstanding the fact that she has been my open and avowed enemy for at least two years. You will also see that no other female employee accuses me of this. This convinces me that this woman has deliberately conspired to do me injury.

As to _____, I deny the charge of hugging and kissing her. I invite your attention to the testimony of _____, wherein she states that _____ is unreliable and untruthful.

As to _____, I deny that I ever hugged and kissed her. _____ is about 20 years of age and is probably the most beautiful and attractive girl that ever attended the Cushman School. She graduated in 1910 and has since lived at the school while attending high school. _____ has developed into a young woman of sterling character. I can not conceive that this young woman would accuse me of undue familiarity with her. She has not been under the direction of the seamstress for at least three years. I deny that I ever

hugged or kissed ————. During her last year in school this girl was under the most severe discipline on at least two occasions. On one occasion she escaped from the dormitory by climbing down a porch post and laid out all night with a young man. The other occasion occurred at the beginning of graduation week. ———— ran away with a young man and spent the afternoon in the city. My first thought was to refuse to give her her diploma, but as that seemed unduly severe, I decided to prohibit her from attending any of the class activities and merely allowed her to depart for home with her diploma. • She left the school in a bitter frame of mind. These facts should be borne in mind when weighing her evidence.

In this connection I again refer you to the testimony of ———— as to the truthfulness of ————. I also refer you to the testimony of ———— in the same connection.

I deny ever having hugged or kissed ————. ———— was the chum and close friend of ————, mentioned above, and was a party to all of ———— escapades. Concerning the truthfulness of ————, I again refer you to the testimony of the matron of the school, ————; also the testimony of ————.

(g) The statement that I was in any way familiar with ————, in May, 1913, or at any other time is absurd on its face, and I absolutely deny it. This charge shows to what lengths a vicious, unscrupulous woman will go. I have repeatedly had to reprimand this woman during the past two years. Some time in April, 1913, I called ———— to my office and gave her the severest reprimand that I ever administered to an employee. In May, 1913, the identical month in which she charges familiarity, your office sent her a letter through me censuring her for her propensity to make trouble and warning her of the consequences, thereby showing her to a certainty that I had reported against her. Is it conceivable that I would attempt familiarity with and thereby place myself in the power of a woman who had given me as much trouble as ———— has, and who was aware of the fact that I was trying to bring about her transfer?

I was absent from the school grounds the entire month of May, 1913, except May 5 to 11, inclusive. During the time just mentioned the office work was so pressing that I was unable to visit any of the departments. I unequivocally state that I was not in the building in which ———— was located at any time in May, 1913.

In summing up, I call your attention to the fact that all of the girls cited but two are not worthy of credence, and, with these two exceptions, they represent the least desirable element in the student body. These girls are easily influenced by flattery and attention. They have no high sense of honor. Reputation means little to them. In a court of law their united testimony would not convict a man charged with a minor offense. Along this line, I submit a letter (No. 42) from one of the most reputable members of the Tacoma bar, Hon. B. W. Coiner, at one time prosecuting attorney of Pierce County, later United States attorney for the southwestern district of Washington.

As superintendent of the Cushman School, my every action on the campus is noted by the employees. It is impossible for me to go about the school plant without being constantly under observation. It follows that the employees of the school must know more about my actions and demeanor toward employees and pupils than anyone else. I respectfully represent that it would be impossible for the conditions alleged to exist without some of the employees being cognizant thereof.

I herewith offer the testimony of 38 employees and former employees. These people have appeared before Supervisor McChesney since my suspension from office, and you will observe that unanimously they state that they have no knowledge of misconduct on my part toward any female pupil of the school. But two of the employees in their testimony refer to what they please to term an indiscretion toward a female employee. The affidavits Nos. 1 to 37, inclusive, mentioned above, include every employee of the school (except ————) who has been on the grounds longer than three months. It must be borne in mind that this testimony was taken after my suspension and when I had no means of influencing the testimony. I maintain that no immorality has been proven; that I have explained satisfactorily every charge against me.

I respectfully represent that the examination by the inspector of the witnesses was unfair to me. I was not allowed to face my accusers, and no transcript of the testimony against me has ever been placed at my disposal. I am compelled to fight my battle in the dark. The witnesses against me

were picked from my enemies, those whom it was reasonable to suppose would do me an injury if possible. I have been led to believe that the witnesses against me were promised that their testimony would be held confidential, and they need never fear any unpleasant consequences as a result of anything they might say. I contend that this is a license to untruthfulness and slander.

It is doubtful if I can make your office understand the effect upon Indian girls of attentions bestowed upon them by men of the appearance and presence of Inspector Linnen. They are unused to automobile rides, gallantry, and offerings of expensive bonbons and confections which the white girl accepts as a matter of course. These Indian girls were influenced by this treatment to make any statements that they thought were expected of them, and I now submit that Mr. Linnen is a master at securing just the shade of evidence he desires from a witness. As a prosecutor, Mr. Linnen shines preeminent. Investigation, or the procuring of all the facts bearing upon the case, does not seem to concern him. Witness, he diligently avoided my friends, or those whom it would be supposed would give evidence in my favor, and confined his inquiries into my mode of life and character to my enemies.

That Mr. Linnen gave expensive candies to some of the girl witnesses is set forth in the affidavit of F. W. Griffiths (No. 2) and _____ (No. 38).

You will observe by the affidavit of F. W. Griffiths (No. 2), who is assistant superintendent of the Cushman School, that he was questioned by Mr. Linnen only about some details regarding administration, and though he has been more in my company than any other employee, was almost continually with me, except when I was in my home, and who would be expected to know the most about my personal habits, yet Mr. Linnen did not see fit to ask him one question about my actions toward female pupils or employees, or about my personal life.

I invite your attention to the testimony of an Indian girl, _____ (No. 40), wherein she states that she made a statement before Supervisor McChesney at 8 o'clock Thursday morning, October 30, and another statement at 11 o'clock the same day. The first statement was soon after her arrival at the school and before anyone had talked to her about the case. The second statement was after she had discussed the case with _____. I have been given to understand that the first statement was favorable to me, and that the statement made after her talk with _____ was damaging. In support of this, I offer the statement of Supervisor McChesney (No. 43).

At this point I wish to invite your attention to the testimony of _____ (No. 39), who admits that she talked with _____ about the testimony she was to give against me. I also invite your attention to the testimony of _____, who also admits that she talked to _____ about the testimony she was to give. It is apparent that she impressed upon _____ that the lesson learned was to be repeated verbatim. Her reply to my question is very significant, i. e. "whatever statements you make to one person, you must make the same to another."

Here is the testimony from the persons concerned that this one witness, _____, was tampered with. It is reasonable to suppose that the same persons tampered with other witnesses.

I contend that the flattering attentions of Inspector Linnen toward the Indian girl witnesses, his purchase of candy for them, the fact that one witness was tampered with, and the reasonable presumption that others were also influenced, and the unfair method of procedure warrants me in demanding the charges of improper conduct toward Indian pupils be dismissed and that I be exonerated.

2. That I have paid any attention to _____ other than that proper to a friend of myself and my wife I brand as a falsehood. That any comment that arose therefrom emanated from a vicious female employee.

(a) I have visited _____ room not more than two or three times during the past year, and then on business, remaining only a few minutes. It is true that during a period of about three months about two years ago I was with _____ in her room possibly a dozen times. The circumstances were as follows: _____, the husband of _____, was one of the most valuable employees I have ever had work for me. He was also a dear personal friend. He died in 1910, and _____ was transferred to the Cushman School. _____ left an estate that was somewhat involved, and _____ appealed to me to aid her in her business affairs. During the latter part of 1911, or the early part of 1912, I spent a portion of several evenings in her room conferring with

her regarding the settlement of this estate. After a time I discovered that _____ was spreading slanderous stories about my being in _____ room, and at my suggestion our meetings thereafter were in my home and in the presence of my wife. (See No. 23.)

(b) That I frequently accompanied _____ to lectures, entertainments, and socials is not true. On one occasion one of the members of the Employees' Literary Club invited the club to be his guests at an entertainment in the city. About 20 of the employees accepted the invitation, and we went to the entertainment and returned therefrom in a body. I did not consider that I was _____ escort, although it is true that I sat beside her in the car and during the entertainment.

At my request the employees attend the pupils' dances. The employees go to the dances at the same hour. It is my habit to attend these dances, although I do not dance. I can recall a few occasions within the past three years when I have chanced to fall in with _____ on the sidewalk, and we have walked to the dance hall together. At the close of the dance the employees usually leave the hall in a body, and occasionally I have walked with the crowd on my way home, which necessitated my passing the employees' quarters. On a few such occasions I have walked beside _____.

I wish to make a further statement regarding _____ relations to my family, which may explain what may have been construed as attention to her. _____ husband died in August, 1910, and in November of the same year my wife and I lost a dear little boy, 6 years of age. The bereavement of my wife and _____ drew them together, and they became very much attached to each other. She has spent much time in our home as the guest of my wife. _____ influence seemed to cheer my wife, and their companionship grew into a close attachment to each other. For the past two years _____ has spent a portion of her vacation with my wife at our summer camp. However, I was present very little, as my work kept me at the school.

Any civilities I show to _____ are simply those that any man should show to a guest and friend of his wife. Mrs. Johnson is fully cognizant of and approves the courtesies I extend to _____.

3. It is true that the money derived from the sale of swill and junk during the years 1910, 1911, 1912, and 1913, amounting to \$210, was not deposited or taken up in my accounts. I am aware that this is irregular, but it is, I believe, a frequent practice in the service. There are few agencies of which I have knowledge that do not have a small fund similar to this, commonly known as the "slush fund," which the superintendent uses for small purchases for which it is difficult to obtain authority.

The money mentioned above was used for the following purposes: To pay the street car fare of pupils to and from Point Defiance Park on the occasion of the annual school picnic, and to pay for materials for the picnic dinner. Also to pay car and railroad fare of our ball and athletic teams when playing games away from home; our athletic activities being in the amateur class do not bring in any revenue. Also for paying car fare of students in the various trades upon the occasion of their visits to various manufacturing plants. A small amount of the money was also used to buy small office accessories and supplies. Every cent of this money was used for the benefit of the school. The money was handled by the chief clerk and never actually came into my hands. I submit herewith the affidavit of the chief clerk (No. 44) covering this point.

4. That I overpaid the Standard Oil Co. on June 30, in the amount of \$622.25, is true; but I desire to offer in justification the following: Our storage capacity for fuel oil is limited, and it was absolutely necessary to have sufficient fuel available to run the plant until the contract for 1914 could be awarded and approved by your office. It is always necessary to have some heat at night to operate the electric lighting plant and to run the shop machinery and laundry. The amount mentioned above was available for expenditure and would lapse with the close of the fiscal year, and in view of the meager appropriation it was necessary to conserve every dollar available. Moreover, the price of oil for 1914 had increased 3 cents per barrel, and it was a direct saving to the Government to purchase at this time. Not to have purchased at this time would have necessitated emergency purchases until such time as the contract might be approved. The contract for fuel oil for 1914 has not been approved at this date. I submit herewith delivery tickets (No. 45) to prove that this oil has all been delivered; i. e., 582 barrels, at \$1.07.

It is true that Hans T. Engoe was overpaid \$20.10. This was for yeast which was absolutely necessary for the making of bread for the children's table. To have not made this overpayment would have necessitated emergency purchases of yeast twice each week until the contract for 1914 was awarded and approved, which was not done until October 23, 1913. As in the case of fuel oil, the money used to purchase this yeast would have lapsed June 30 and would not have been available for expenditure. I submit herewith the statement of account (No. 46) with Hans T. Engoe, which shows \$10.05 still due the Government on November 1.

It is true that Kasper Feldman was overpaid \$42. It was absolutely necessary to have deliveries of milk every day for use in the kitchen and for the sick in the hospital. Not to have obtained this credit with Mr. Feldman would have necessitated daily emergency purchases until the contract for 1914 was awarded and approved. This contract was not approved up to the time that this overpayment was absorbed. I submit the affidavit of Kasper Feldman (No. 47), showing that the delivery of 180 gallons of milk was made during July and August, which delivery amounted to \$42.

The payment to Armour & Co. of \$33 was not in reality an overpayment. I submit a statement of this account (No. 48) covering the period from April 1 to September 26. The deliveries which were made on July 7 and 10 were ordered to be delivered before June 30, but the delivery was delayed through no fault of mine. The delivery of the check was not made until the goods were delivered, as shown by the credit dated July 10, upon which date the delivery was completed.

I contend that, although the strict letter of the regulations has been violated, yet it was necessary that working supplies might be available for the school during the summer months, and in every case the supplies were necessary for the preservation of the life and health of the pupils of the school. I further contend that my action in this matter was for the best interest of the school, that I have shown that every dollar has been honestly expended, and that the interests of the service have been conserved.

5. I admit that some of the vouchers for the two buildings under construction were signed before all of the material was delivered, but I offer the following explanation and justification:

When in Washington in December, 1912, it was decided to erect these two buildings by purchase of material in the open market, the labor to be performed mainly by pupils and employees. I urgently insisted that the plans be furnished me with the utmost expedition in order that the buildings might be completed within the fiscal year. Had these plans and authority to construct been forthcoming by March 1, as I was led to believe would be the case, the material could have been on the ground and the buildings well toward completion by June 30.

The plans were delayed, so that it was impossible to make request for authority until April 17. When I forwarded the request for authority, I urged the utmost haste, as the end of the fiscal year was rapidly approaching. When in Washington, I argued with your office that the provisions of circular No. 675 should be waived in the purchase of this material, and my contention was agreed to. To my surprise, I received a letter from your office, dated May 5 (education-supplies-50926-1913, 50997-1913-M. A. S.), instructing me to comply with circular No. 675. I wrote a vigorous protest, under date of May 12, again pointing out the shortness of the time in which purchase could be made. Authority to make purchase of this material did not reach me until May 28. I immediately issued invitations to bidders which were dated as follows: May 29, 31, and June 3. The contracts were let at the earliest possible moment and deliveries began immediately. I daily urged all contractors to rush deliveries, and expected that all material would be on the ground before my accounts would be forwarded on July 20. Excavations were made for the buildings and the concrete work completed, and material came rapidly until our storage was filled to its utmost capacity. To have permitted further deliveries would have compelled us to have exposed the material to the weather, which would have caused great damage. The millwork and finish was all manufactured and was being held in the storehouses of the mills awaiting my order, as we had no proper place to store it. When the time to close the accounts arrived, I was forced to accomplish these vouchers in order to save the funds from lapsing and leaving me without means to pay indebtedness incurred.

For the most part the contractors stood ready to make delivery, but at my instance held the material in their own warehouses because we had no place to store it. In most cases the checks for this material remained in my possession until delivery was completed. However, I recall two instances where all material was not actually on the school grounds before the checks were surrendered. Not having decided upon some of the colors to be used, there was a delay in the delivery of a small portion of the paints. The company furnishing the millwork, having completed the manufacture, stood ready to make delivery and I construed were entitled to their pay, although some of the goods were still stored in their warehouse at my request. By pursuing the above course, I was enabled to get these buildings under roof before the rainy season began. Had these available funds lapsed, these contracts entered into in good faith must have remained incomplete for months, because there was no means of knowing that sufficient funds would be available from the 1914 apportionments until late in the fiscal year and an injustice thereby would have been done these contractors. In addition thereto the excavation would have filled with water, the walls would have deteriorated, and the material already on the ground would have been damaged. I was confronted with the alternative of allowing Government property to deteriorate or to have the deliveries completed after July 1, so that the buildings could proceed, and thereby commit a technical irregularity. Good business administration seemed to dictate that protection of Government property was of more importance than a strict compliance with regulations. As to the material not being properly checked, I herewith submit the affidavits of W. A. Hennig, manual training teacher, and W. E. Porter, engineer, which set forth that they checked all of the material delivered. (See affidavits No. 49 and No. 50.)

To support my contention that the erection of these buildings has been economical, I submit herewith a letter from one of the leading architects of Tacoma (No. 51) containing an estimate of what these buildings would cost under ordinary conditions. Mr. Bullard estimates the cottage as constructed should cost at least \$6,750, whereas our books show the cost to be slightly more than \$4,200.

The flat building he estimates at over \$9,600. Our books show the cost to be less than \$5,300.

It is self-evident that the cost of these buildings has been kept so low that there could be no possible dishonesty connected with their erection.

6. I can recall no instance where competitive bids were not obtained when it was practicable to do so. When bids were secured from only one dealer, purchase was made under B-1b; i. e., "only one dealer in the vicinity who handled the article." In the matter of hardware, plumbing goods, steamfitting goods, and paints, there is only one wholesale house in Tacoma handling each of these articles. Experience has shown that it is useless to ask retail houses to compete with the wholesaler, as we can secure the same prices from the wholesale house as is given the retailer.

With regard to the reference made to the signing of certificates of inspection, etc., by various employees, I wish to state that this was done at my suggestion, and I assume the whole responsibility. I do not wish any odium to attach to any employee through any act performed at my suggestion.

In the main I have admitted the irregularities as charged. Regulations are promulgated for the guidance of officials in administering business along uniform lines. It must be admitted that occasionally circumstances arise when it seems necessary for an official to technically violate regulations in the interest of good administration. I insist that the occasion did arise and that good administration demanded that I give the true interests of the service precedence over the technicalities of regulations. If I have erred in these instances, it can not be serious, for your office makes no charge of dishonesty, neither does it make the charge that the interests of the Government were not protected. In fact, I have proved that I have saved the Government money, particularly in the purchase of fuel oil.

Inasmuch as I have shown that the interests of the Government were fostered, and inasmuch as no dishonesty is alleged, I contend that the charges of irregularity may properly and should be waived.

As the charges impeach my moral character and my business integrity it seems proper to present for your consideration letters from business men, from professional men of high standing, and from representatives of the religious and moral activities of the community. It will be apparent to your office that

unless my standing in the community was of the highest I could not have obtained such letters, especially while under suspension.

I wish to call your particular attention to the communication from the Young Women's Christian Association. These people are in a position to know, as for more than a year they have been doing religious work among the Indian girls on the grounds.

I also call your attention to the letter of Mrs. Winifred S. Covell, public morals officer of the city of Tacoma. Mrs. Covell's duties compel her to be in touch with the moral conditions surrounding the young women of Tacoma. If moral conditions were not right in an institution the size of the Cushman School, this woman would certainly know it.

I also call your attention to letters from a number of clergymen of the city.

The resolution of the Tacoma Commercial Club speaks for itself. This club is composed of about 1,500 of the business and professional men of Tacoma.

In closing I desire to state that I feel that the foregoing successfully refutes the charges brought against me, and taking into consideration my record during 17½ years of faithful service, I feel assured that your office can do nothing else than remove the suspension and reinstate me as superintendent of the Cushman School.

Very respectfully,

H. H. JOHNSON.

Personally appeared before me H. H. Johnson, who first being duly sworn, deposes and says that the statements herein contained are true to the best of his knowledge and belief.

CHAS. E. MCCIESNEY,
Supervisor Indian Schools.

TACOMA, WASH., November 25, 1913.

In cases where testimony is by questions and answers the questions were asked by Supt. Johnson.

———, being called as a witness, testified as follows:

Q. How long have you been acquainted with me, Miss ——?—A. I think about 17 years.

Q. Where was it when you first became acquainted with me?—A. Omaha School and Agency.

Q. What was the nature of your work and mine when you first became acquainted with me?—A. You were manual training teacher and I was cook.

Q. In this position I had charge of the discipline, did I not?—A. Yes, sir.

Q. You saw a good deal of my work?—A. Yes.

Q. How long were you at the school?—A. About two years.

Q. During the time we worked at the Omaha School did you ever see me commit any act of impropriety?—A. I did not.

Q. Where were we next thrown together?—A. At Otoe.

Q. How did you come to Otoe?—A. You asked me to come there—that is, you asked me if I would go there.

Q. You were at Otoe how long?—A. About three years.

Q. While at Otoe did you ever see me commit any questionable act?—A. I never did.

Q. From Otoe, where did you go?—A. Dulce, N. Mex.

Q. How long were you in Dulce?—A. At that time I was there about five months; then I went away and stayed away about two and a half years, and then I came back and stayed two and a half years.

Q. While in New Mexico were any of my actions questionable?—A. I did not see anything that would be questionable.

Q. From New Mexico where did you go?—A. I came to Tacoma, Wash.

Q. With whom did you make the trip?—A. With you from Denver.

Q. Did you see me do any act of impropriety on that trip?—A. I did not.

Q. Were my actions toward you improper?—A. No, sir.

Q. How long have you been here at Cushman?—A. Five years last May.

Q. Have you ever seen me commit any act that was questionable here at Cushman?—A. I have not seen anything questionable.

Q. Have you ever seen me do anything that was considered improper?—A. I can not say that I have. Of course I have seen you put your arms around some girls, but at the time I did not think anything about it.

Q. This was done in your presence?—A. It was done in my presence and in the presence of other girls.

Q. About how often do I visit the girls' building?—A. Not very often within the last year.

Q. Other than the Sunday morning inspections, how often have I been there?—A. You have not been there very often within the last year.

Q. Would it average once a week?—A. Perhaps it would.

Q. Is it not a fact that if I made frequent trips to the girls' building you would know about it?—A. I think I would.

Q. When I came to the girls' building what did I usually do first; that is, other than the Sunday morning inspection?—A. You have come to my room and then again you have gone to the girls' playground.

Q. Is it not my custom to send a girl to look for you?—A. Yes; you do. When you come for business you do that.

Q. I would like to have you state as to the truthfulness of ————.

A. ———— does not always tell the truth.

Q. Is ———— a girl you can always depend upon?—A. I have known ———— to say things that were not true.

Q. How about ————?—A. I have known her to say things that were not true.

Q. How about ————?—A. I have not had much to do with ————.

Q. How about ————?—A. She did not always tell the truth.

Q. Is it not a fact that the girls that I have just mentioned made you more trouble than the other girls?—A. I might say that of them aside from ————.

Q. Have they often been the subjects of discipline?—A. These girls have.

Q. Severe discipline?—A. Yes.

Q. Do they make trouble among other girls?—A. Yes; they have, under my jurisdiction.

Q. Have you seen these girls since this investigation started and talked over the testimony that was given against me?—A. I have not, aside from what I told ———— the other morning. I told her that whatever statements she made to one person she must make the same to others.

Q. Who was present —A. No one.

Q. You told her this?—A. I told her that whatever statements you make to one person you must make the same to another.

Q. Do you know of any other employee that has talked with the pupils about the testimony that was given against me?—A. I can not swear that I know. I heard there was, but I was not present when it was done.

Q. Do you know whether this has been the subject of discussion among employees and pupils?—A. I have not heard it discussed.

Q. Did ———— say that she had discussed this matter with the girls?—A. She did.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

STATE OF WASHINGTON, County of Pierce, ss:

F. W. Griffiths, of lawful age, being first duly sworn, deposes and says:

I am assistant superintendent and disciplinarian at the Cushman Indian School, Tacoma, Wash. I have known Mr. Johnson for over five years. As his assistant I have enjoyed his confidence and been more in his company than that of any other man. He has not only discussed school and agency work with me, but also his personal affairs. I have known all his plans. His evenings have for the most part been spent in my company. In fact the school work was usually discussed during the evenings, the daytime being used in routine work.

I always accompanied him on the regular inspections and have had unlimited opportunity to observe his actions toward employees and pupils.

Mr. Johnson is a very sympathetic man and has frequently told me that were he to consult his inclinations he would be too lenient for a superintendent; that it was only by appealing to his own reason and judgment that he was able to properly administer his office. I have frequently seen him place his hand on a pupil's shoulder to encourage or comfort him. Girls in trouble about family matters or about school difficulties were very free in coming to Mr. Johnson

for advice. With these children he has always been most considerate, and, so it seemed to me, enjoyed their confidence to the fullest.

Occasionally he has in my presence put his arm across the shoulders of these girls and consoled or advised them, much as a father or guardian would be expected to do. Never did the faintest suspicion ever enter my mind that he ever thought of anything but the welfare of the child, and I am convinced that no improper thought entered the pupils' minds, for I have never seen a girl avoid him or seek to pass him unnoticed, but, on the other hand, all seemed anxious to greet him as he passed.

I frequently drive the school automobile, and during the recent investigation by Mr. Linnen, when Mr. Johnson placed the machine at the inspector's disposal, I acted as the driver. With Mr. Linnen I took the young lady, ———, and ———, a schoolgirl, to the Tacoma Hotel, presumably for examination. I waited in the lobby of the hotel. I saw Mr. Linnen buy from the hotel stores two boxes of candy and take them into the room where the girls were. When the girls came out I noticed boxes of candy in their hands that resembled those bought by Mr. Linnen, and the inspector had none. This impressed itself upon me at the time, for I knew the effect of much attention, automobile rides, and candy upon Indian girls not used to such treatment. Afterwards I heard that these girls had given damaging testimony against Mr. Johnson.

When Mr. Linnen questioned me about Supt. Johnson he confined his discussion to the irregularities of accounts, and asked no questions concerning Mr. Johnson's attitude to the girls of the school nor to his attentions to female employees. I fully expected to be questioned upon these matters because of my intimate knowledge of Mr. Johnson's movements.

In justice to Mr. Johnson I desire to state that I have never seen him act in an improper manner to any female pupil. I also state that I have never seen Mr. Johnson take any liberties with any female employee; that I have never seen him act in any but a gentlemanly manner to anybody; that he is uniformly courteous and considerate to all. I have absolute confidence in Mr. Johnson's business integrity. He has discussed very freely with me the business affairs of the school. He has never made any proposition that savored in the slightest of dishonesty. In fact he has carefully avoided even the appearance of anything that would not bear the closest scrutiny.

I have frequently been away from the school with Mr. Johnson. His conduct on those occasions has always been that of a gentleman.

F. W. GRIFFITHS.

Subscribed and sworn to before me this 20th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCLESNEY,
Supervisor of Indian Schools.

———, being called as witness testified as follows:

Q. What is your age?—A. Twenty-five years.

Q. Are you of Indian blood?—A. I am a Skokomish Indian of the half blood.

Q. Are you a graduate of the Cushman School?—A. Yes. I graduated in 1906.

Q. What have you done since graduation?—A. I attended the Tacoma High School from 1906 to 1910, occupied the position of cook at Cushman for nine months; attended the State college at Pullman one year, and have since lived in your family.

Q. How long have you lived as a member of my family?—A. About four years in all.

Q. While you were in my house how were you treated?—A. As a member of the family.

Q. During the entire time you have been a member of my family, have I made any improper advances toward you?—A. Never; you have treated me as considerately as if I were your own daughter.

Q. Have you ever seen me commit any act toward any female pupil of the school which you could criticize?—A. I never have.

Q. Have you ever seen me act in an improper manner toward any female employee of the school?—A. No.

Q. Do you consider ——— a truthful girl?—A. I have seen considerable of ——— and I regard her as deceitful and unreliable.

Q. How about ———?—A. She was a small girl when I was in school and I do not feel that I know her well enough to express an opinion.

Q. Do you regard ——— as truthful?—A. She was also a small girl and I can not say.

Q. What can you say of ———?—A. ——— was regarded as a bad girl when she was small.

Q. Do you feel acquainted with ———?—A. Yes. She belongs to my tribe. She has a good father and mother, but she is generally regarded as unreliable and wild.

Q. Is ——— truthful?—A. ——— spent two summers on the Skokomish Reservation. She was there regarded as a bad untruthful girl.

Q. What do you know about ———?—A. Personally, I know very little. I am well acquainted with her aunts, ———, ———, ———. I have frequently heard all of these women express themselves as being very sorry that ——— was so much given to telling falsehoods. They also said that she was particularly bad in respect to telling malicious stories calculated to make trouble.

Q. You are an Indian girl. Please state whether or not Indian girls are given to telling sensational stories regarding their experiences.—A. The average Indian girl likes to appear sensational among her friends. She means no harm, but often allows her imagination to lead her to exaggeration.

Subscribed and sworn to before me this 7th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

S. E. CRANE, being called as a witness, testified as follows:

Q. How long have you known me, Mr. Crane?—A. Seven years and two months.

Q. In what capacity were you employed at the Cushman School?—A. Day-school carpenter.

Q. How long were you here?—A. From August, 1908, to the 1st of September, 1911.

Q. During all the time that you have known me, have you ever known me to commit any improper act toward any female pupil of the school?—A. I have not.

Q. Have you ever known me to commit any improper act toward any female employee of the school?—A. I have not.

Q. Are you acquainted with L. F. Wiecking?—A. Yes, sir.

Q. You had a conversation some time ago with Mr. Wiecking, did you not?—A. Yes.

Q. What was the substance of that conversation?—A. We were talking about the civil service, and I made the remark that I was afraid that they would get Mr. Johnson, and Mr. Wiecking said that he hoped they would. I said, I hope they don't. He stated that he thought that Mr. Johnson did not treat him just right, and I told him that he probably brought the trouble on himself.

Q. Do you know ———?—A. Yes.

Q. When you lived at the school did she visit at your home?—A. Quite frequently.

Q. Did you ever hear that ——— had been married?—A. Yes; she wrote that in a letter to my daughter.

Q. About when was this letter written?—A. It was written in September, 1911, from Wapato, over in the Yakima country.

Q. Please state, as nearly as you can, what ——— said in the letter.—A. She said: "I have a secret to tell you. I was secretly married, unbeknown to my parents, to a young man here. I won't tell you his name, but I will give you my new initials, ———. Please keep it a secret. Our folks do not know that I was married."

Q. By whom was this letter signed?—A. It was signed by ———.

Q. To whom was this letter written?—A. To my daughter.

S. E. CRANE.

Subscribed and sworn to before me this 13th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

Mrs. ———, being called as a witness, testified as follows:

Q. How long did you live on the school grounds, Mrs. ———?—A. From August, 1908, to September, 1911.

Q. While you lived here you visited around the buildings with the employees and pupils, did you not?—A. Yes; once in a while I did.

Q. Did you ever know me to commit any improper act toward any female pupil of the school?—A. No, sir.

Q. Did you ever know me to commit any improper act toward any female employee of the school?—A. No, sir.

Q. You know ———, do you not?—A. I do.

Q. Was she a friend and companion of your daughter?—A. Well, not exactly a companion; she came often to the house, and the girls played and sang.

Q. Did your daughter correspond with ———?—A. Well, I think she got one or two letters and a postal card from ———.

Q. In one of these letters was there any information that was a surprise?—A. There was. ——— told ——— that she had a secret to tell; that she was secretly married to a young man where she was, but she would not give her name, as she did not want her people to know of it.

Q. About when was this letter written?—A. It was written about September, 1911.

Q. Your daughter felt sure that this letter was from ———?—A. Yes; she did. The letter was signed "———," and there was no one else over there that she knew.

Q. When your daughter received this letter did she immediately show it to you?—A. She did.

Q. What did she say regarding it?—A. She just threw up her hands and said, "I knew that ——— would never marry John Campbell."

Subscribed and sworn to before me this 13th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

JAMES P. BALES, being called as a witness, testified as follows:

Q. What is your position?—A. Day-school carpenter.

Q. Your family lives on the school grounds?—A. Yes, sir.

Q. You are on the school grounds when not at work on the reservations?—A. Yes.

Q. How long have you known me, Mr. Bales?—A. Something over five years. Q. During the time you have known me have you ever seen me commit any act of impropriety toward any female pupil of the school?—A. I have not.

Q. Have you ever seen me commit any act of impropriety toward any female employee of the school?—A. I have not.

Q. Have you ever seen me do anything that an honorable gentleman should not do?—A. I have not.

JAMES P. BALES.

Subscribed and sworn to before me this 4th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

WILSON A. HENNIG, being called as a witness, testified as follows:

Q. What is your position?—A. Manual-training teacher.

Q. How long have you known me?—A. Since August, 1911.

Q. Have you ever seen anything improper in my conduct toward the female pupils of the school?—A. I have not; not in any manner whatever.

Q. Have you ever seen anything improper in my conduct toward the female employees of the school?—A. I have not.

Q. Have you ever seen anything in my conduct at any time or at any place that was other than the conduct of an honorable gentleman?—A. I have not.

WILSON A. HENNIG.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

———, being called as witness, testified as follows:

Q. What is your position?—A. School cook.

Q. How long have you known me?—A. Two years last July.

Q. I come about the school kitchen, do I not?—A. Yes, sir; you do.

Q. What is my demeanor toward the girls of the school?—A. I have seen you talk pleasantly with the girls, and you joke with them.

Q. During the time you have known me, have you seen me commit any act toward any female pupil of the school that you would in any way call improper?—A. I never have.

Q. Have you ever seen me commit any act toward any female employee of the school that you would consider improper?—A. I never have.

Q. Have you ever seen any act of mine anywhere or at any time that you would consider ungentlemanly?—A. I have never seen anything that wasn't perfectly proper. I have always found you a gentleman, Mr. Johnson, and did not know that there was anything wrong until this came up.

Subscribed and sworn to before me this 4th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

———, being called as witness, testified as follows:

Q. What is your position in the school, ———?—A. Cook for the Employees' Club.

Q. How long have you known me?—A. Two years exactly.

Q. You have seen me frequently around the buildings and around the club kitchen, have you not?—A. I have.

Q. When I have been around the kitchen what has been my demeanor toward the female pupils of the school?—A. Perfectly correct.

Q. Have you ever seen me make any unbecoming advances toward the pupils?—A. I have not.

Q. Have you ever had ——— working for you?—A. She has worked for me a good deal at different times.

Q. You have seen me talk to ———, have you not?—A. I have.

Q. Have you ever seen me make any improper advances to this girl?—A. I have seen nothing improper.

Q. Have you ever seen any conduct on my part that was in any way improper toward the female employees of the school?—A. I certainly have not.

Q. Have you ever seen any conduct on my part anywhere about the school that could be in any way criticized?—A. I most decidedly have not.

Subscribed and sworn to before me this 4th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

———, being called as a witness, testified as follows:

Q. How long have you known me, Mrs. ———?—A. About five and one-half years.

Q. Please state approximately when you acted as assistant matron in the girls' building. A. From November, 1911, to January, 1913, then beginning the latter part of March, 1913, and continuing about six weeks. Then from August 15 to September 10, 1913.

Q. Being assistant matron in the girls' building you saw a great deal of the girls?—A. Yes; I was with them considerably.

Q. During all the time that you were acting as assistant matron, did you ever see any act on my part toward any female pupil of the school that was improper?—A. I never did.

Q. Did you ever see any act on my part toward any female employee that was improper?—A. I never did.

Q. During the entire time that you have known me have you ever seen any action on my part that you would think worthy of criticism?—A. No, sir.

Subscribed and sworn to before me this 4th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

—, being called as a witness, testified as follows:

Q. What is your position, Mrs. —?—A. Assistant matron.

Q. How long have you been at the school?—A. I came in January, 1913.

Q. How long were you assistant matron in the girls' building?—A. Up until the last of March.

Q. As assistant matron in the girls' building you were with the girls practically all the time?—A. Yes, sir.

Q. During the time that you have been at this school, have you ever seen anything in my actions toward the female pupils of the school that you would call improper or questionable?—A. I have not.

Q. You have seen me in the girls' building and with the girls?—A. Yes, sir.

Q. How did I conduct myself among the girls when in the girls' building?—A. I always thought you acted toward the girls like they were your own girls. I never thought of it in any other way.

Q. Did you ever see any conduct on my part toward any female employee of the school that you felt was subject to criticism?—A. I never have.

Q. Did you ever see any conduct on my part that was subject to criticism?—A. I never did.

Subscribed and sworn to before me this 4th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

THOMAS B. MINER, being called as a witness, testified as follows:

Q. How long have you known me, Mr. Miner?—A. I met you the 1st of October, 1909.

Q. In what capacity were you first employed under this agency?—A. As day school teacher.

Q. When were you transferred to the Cushman School?—A. I came to the school about the 1st of July, 1910, and I stayed here continuously until I got my transfer which was on the 11th of August, following.

Q. Transferred to what position?—A. As clerk.

Q. Since you have been at Cushman School have you made trips to the sub-agencies with me?—A. I have made a great many trips through western Washington with you, Mr. Johnson.

Q. On these trips, how were your evenings spent?—A. As a rule if there was a pool hall available we played a few games of pool after supper. Sometimes, being pretty tired, we would talk awhile and then retire. We usually talked over what we had accomplished during the day and both usually retired about the same time.

Q. On these trips have you ever seen me do anything that was questionable from a moral standpoint?—A. No; I have not.

Q. Did you ever see me make any improper advances to any woman when we were out together?—A. I do not recall anything of the kind.

Q. Did I ever suggest to you that we visit a house of ill fame, or do anything that would be questionable?—A. Not in a single instance.

Q. Since you came to the Cushman School, have you ever seen me commit any act of impropriety to the female pupils of the school?—A. I have not.

Q. Have you ever seen me commit any act of impropriety to the female employees of the school?—A. I have not.

THOMAS D. MINER.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

John H. Kelly, being called as witness, testified as follows:

Q. What is your position?—A. Fireman.

Q. How long have you been employed at the school?—A. About a year and eleven months.

Q. In addition to your duties as fireman, what are your other duties?—A. I teach the school orchestra.

Q. You have seen me around at orchestra practice, have you not?—A. Yes, sir.

Q. And you have seen me with the pupils at various times?—A. Yes, sir.

Q. Did you ever see any act of mine toward any female pupil of the school that you would consider improper if I had committed the same act toward your daughter?—A. Never.

Q. Have you ever seen any improper action on my part toward any female employee of the school?—A. No, sir.

Q. In the time that you have known me, have you ever seen any act on my part, on the school grounds or off, that would in any way be criticized?—A. No, sir; I never have.

JOHN H. KELLY.

Subscribed and sworn to before me this 4th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,

Supervisor Indian Schools.

STATE OF WASHINGTON,

County of Pierce, ss.

—, being first duly sworn according to law, upon oath, says that she is now and has been for about 15 years last past a resident of Pierce County, State of Washington; that during all of said time, except the last 14 months, she was employed at the Puyallup (now Cushman) Indian School, and most of the time as principal teacher; that more than four years of the last of her service at said school was under Supt. H. H. Johnson; and affiant makes this affidavit at his request, for the reason that charges have been filed against him, but affiant does not know the specific charges.

Affiant states that she has never seen any acts on the part of said Supt. Johnson indicating any improper relations between him and the Indian girls under his charge. On the other hand, that his attitude toward the Indian girls seemed to affiant to show personal interest in their welfare, exhibited in a kindly and fatherly manner.

Subscribed and sworn to before me this 31st day of October, 1913.

[SEAL.]

G. DOWE MCQUESTEN,

*Notary Public in and for the State of
Washington, residing in Tacoma, Wash.*

I certify that I have resided near the Cushman Indian School during the time Mr. H. H. Johnson has been superintendent, and I can testify that a marked improvement in the general appearance of the school has come about during the time he has been in charge, and he has impressed me as being able to accomplish good results in the way of improving and building up said school. He has always appeared to be much interested in his work, and, I believe, is well thought of by the people of the city who know him.

G. DOWE MCQUESTEN.

D. D. ALLEN, being called as a witness, testified as follows:

Q. What is your occupation, Mr. Allen?—A. Minister.

Q. You are the Presbyterian missionary at the Cushman School, are you not?—A. Yes.

Q. How long have you been in your present position?—A. Ten years this month.

Q. How long have you known me?—A. Five years last spring.

Q. What was the condition of this school when I took charge?—A. Well, it was not very flourishing.

Q. What was the moral condition of the school at that time?—A. I should say it was just in the average condition that you would find in Indian schools.

Q. Have you at any time ever seen me commit any act of impropriety toward any of the female pupils of the school?—A. Personally, I have not.

Q. Have you ever seen me commit any act of impropriety toward any female employee of the school?—A. No; I do not think I have ever.

Q. Do you consider the school in better condition now than when I came here?—A. I would consider it is in better condition.

Q. Do you think it would be for the best interest of the school to have me removed?—A. Well, you have built up the school plant; you are a man of more than average executive ability; you have taken quite an interest in the school, and you have tried to make it an honor to the city.

D. D. ALLEN.

Subscribed and sworn to before me this 5th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

WILLIAM D. SMITH, being called as a witness, testified as follows:

Q. What is your position?—A. I am a clerk at the Cushman School.

Q. In this position do you act as my stenographer and confidential man?—A. Yes, sir.

Q. How long have you known me?—A. Since January 14, 1909.

Q. Have you accompanied me on trips to the various reservations and other points for the transaction of business?—A. Yes, sir.

Q. You have gone with me several times on such trips, have you not?—A. I have accompanied you on about five trips.

Q. When on these trips you and I have spent our evenings together, have we not?—A. We were together a good deal of the time.

Q. When we have been on these trips, have you ever seen me make any advances to strange women or conduct myself in any manner other than that of a gentleman?—A. I have seen you talk with both men and women, but I construed that you were talking about the business at hand.

Q. Did I ever suggest to you that we seek the company of questionable women, or visit any house of prostitution?—A. No, sir.

Q. Did you ever see me commit any act of impropriety against any female pupil of the school?—A. No, sir.

Q. Did you ever see me commit any act of impropriety against any female employee of the school?—A. No, sir.

Q. During the period of your acquaintance with me, have you ever seen anything that would lead you to believe that I would be guilty of any dishonorable act?—A. No, sir.

WILLIAM D. SMITH.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor of Indian Schools.

W. H. BLISH, being called as a witness, testified as follows:

Q. How long have you known me, Mr. Blish?—A. Have known you at least 13 years.

Q. What is your position here?—A. Supervising principal of day schools.

Q. During your acquaintance with me in Oklahoma, did you ever know of my doing anything that was ungentlemanly, dishonorable, or improper?—A. Nothing whatever.

Q. When did you come to the Cushman School?—A. January 4, 1909.

Q. Since that time you have been quite intimately associated with me?—A. Yes.

Q. You have accompanied me on trips to the various reservations and day school in connection with the business of the agency, have you not?—A. Yes.

Q. And on these trips were you with me practically all of the time?—A. Practically.

Q. Evenings as well as during the day?—A. Practically all the time.

Q. On these trips did I ever suggest to you that we visit questionable places?—A. Never.

Q. During the year 1912 you were acting principal of the school for several months?—A. From the 1st of November, 1912, until April, 1913.

Q. In this position you would have opportunity to observe my demeanor toward pupils and employees?—A. Yes.

Q. Did you ever know of me committing any unbecoming act toward any female pupil of the school?—A. No, sir.

Q. Did you ever see me commit any act unbecoming toward any female employee of the school?—A. No, sir.

W. H. BLISH.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

OSCAR H. KELLER, being called as a witness, testified as follows:

Q. What is your position?—A. Chief clerk Cushman Agency.

Q. How long have you know me?—A. Since May 12, 1908.

Q. Have you and I on a number of occasions been down town together?—A. We have, on several occasions.

Q. Did you ever see anything questionable in my actions while in the city?—A. Not in any form whatever.

Q. Did I ever make suggestion to you that we visit a house of prostitution?—A. You never did.

Q. Is it not the custom that the door between your office and mine to remain open?—A. Yes; almost invariably.

Q. If there was any improper conduct in my office, you would know it, would you not, through the fact that the door between your office and mine remaining open?—A. I would be apt to know it.

Q. Did you ever know of anything improper going on in my room?—A. I do not believe there was anything improper.

Q. Do you know of any occasion when I have committed any improper act against any female pupil of the school?—A. I do not.

Q. Do you know of any occasion when I have committed any improper act against any female employee of the school?—A. I do not.

Q. Considering the intimate relations between superintendent and chief clerk, and your knowledge of me extending over five years, is it your belief that I have ever been guilty of any ungentlemanly or dishonorable act?—A. So far as I have personally seen, I do not believe you have.

OSCAR H. KELLER.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

GEMONT G. PERCIVAL, being called as a witness, testified as follows:

Q. What is your position?—A. Night watchman.

Q. How long have you known me?—A. About two years.

Q. When you see me on the grounds at night am I alone?—A. I have occasionally seen you alone, but generally in company of Mr. Griffiths.

Q. Have you ever seen me go or come from the girls' building in the evening?—A. I never have.

Q. Have you ever seen me commit any improper act toward any female pupil of the school?—A. No, sir; I never have.

Q. Have you ever seen me commit any improper act toward any female employee of the school?—A. I have not.

Q. Have you ever known of my committing any act at any time or in any place that was in any way ungentlemanly or dishonorable?—A. No, sir; I have not.

GEMONT G. PERCIVAL.

Subscribed and sworn to before me this 10th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

Mrs. ———, being called as witness, testified as follows:

Q. How long have you been at the school, ———?—A. Since February.

Q. You are the wife of the ———?—A. Yes, sir.

Q. Not being employed you have been about the school considerably?—A. Yes, sir.

Q. Have you ever seen any conduct on my part to any female pupil of the school that you would in any way criticize?—A. No, sir.

Q. Have you ever seen any conduct on my part toward any female employee that you would criticize?—A. No, sir.

Q. Have you ever seen me do anything at any time or in any place that you would construe to be other than the actions of an honorable gentleman?—A. No, sir.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

—, being called as witness, testified as follows:

Q. What is your position?—A. My position is that of —.

Q. How long have you known me?—A. About a year and a half.

Q. Have you ever seen me commit any act that was improper to the female pupils of the school?—A. I have not.

Q. Have you ever seen me commit any improper act toward a female employee of the school?—A. I do not know as I would call it exactly improper, but I do not think your attitude toward — is at all becoming to a man of your position.

Q. Why do you consider it unbecoming?—A. Well, when I first came I could not understand your frequent visits to the employees' building in the morning, and your escorting her home from the various public meetings on the grounds.

Q. And you also know of me being in her room?—A. I never saw you go into or come out of her room. I have heard of your being in her room, but I have never seen you there.

Q. Would you consider that improper?—A. Yes; I would.

Q. Is it not a fact that you sometimes have a man visit you in your room?—A. Yes; I do.

Q. You do not consider this improper?—A. I have not considered it so.

Q. You expect your associates to think that there was no improper motive?—A. I certainly do. I have always tried to conduct myself so as not to cause any criticism.

Q. Why should you consider my being in — room improper?—A. I do not know of an instance when I have had a married man call upon me in my private room.

Q. Then you would contend. I suppose, that lovemaking was the only purpose that a man would go into a woman's room for?—A. I should not say so. There can be business and other matters.

Q. Other than what you have mentioned, have you ever seen any act on my part that was ungentlemanly or dishonorable?—A. I can not say that I have.

Subscribed and sworn to before me this 5th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

—, being called as a witness, testified as follows:

Q. What position do you occupy?—A. Teacher.

Q. How long have you known me?—A. Since May, 1909.

Q. Have you ever seen me commit any act of impropriety toward any female pupil of the school?—A. No; I have not.

Q. Have you ever seen me commit any improper act toward any female employee?—A. I have not.

Q. One of the charges against me is that I have visited your room too frequently. Please state how often I visited your room.—A. Within the past year you have been in my room not more than two or three times upon legitimate school business. During my employment at this school, since September, 1910, I recollect you having visited my room about a dozen times, principally during a period covering about three months—the latter part of 1911 and early in 1912. My husband, —, died in 1910, and I was engaged in settling up his estate. As I had little business experience I presumed upon your friendship and requested your aid in properly answering correspondence with my attorney in Hoquiam.

Q. Was the business connected with the estate completed in three months?—A. No; nor is it at this date; but an evil-minded woman was spreading stories about your coming to my personal room, so, at your suggestion, we met thereafter in your own home.

Q. Please state the relationship existing between yourself and my wife.—A. I regard Mrs. Johnson as the most intimate friend I have in Tacoma. I have, by her invitation, enjoyed the hospitality of your summer home during

my vacations of 1912 and 1913 for two weeks, respectively. In your home, and enjoying the friendship of your family, I have found the nearest substitute for my own home.

Q. It is also charged that I frequently escort you to lectures, socials, and entertainments.—A. As I understand the word "escort," you have never escorted me to any social or entertainment that I can recollect. I have, I recall, met you on the walk near the buildings where such social affairs are held and walked along with you and we entered the hall at the same time, as has occurred with any employee. The number of such occasions has been extremely limited. As for any occasion for any such charge being made for entertainments of the school plant, if such is meant, there is none whatever. About two years ago Mr. Smith invited the employees' literary club to be his guests at a lecture at the First Christian Church. There were 20 or more employees who accepted this invitation and attended in a body. I recall that I walked with you to the car and sat beside you—in company with Mr. and Mrs. _____, during the lecture, but the entire party started together and returned together. I certainly did not consider that you were my particular escort in any sense of the word.

Q. It is also charged that I walked home with you from the pupils' dances.—A. The two or three times that any such thing has occurred is answered fully in what I have said regarding the lectures, etc. As the employees leave the gymnasium in a body I do likewise when not in direct charge of the girls. The few possible times I mention were occasions when we walked along conversing with others until we reached the employees' quarters en route to your destination—your home.

Q. During your acquaintance with me have you ever at any time seen me commit any act that was ungentlemanly or dishonorable?—A. I have not.

Subscribed and sworn to before me this 11th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

W. E. PORTER, being called as a witness, testified as follows:

Q. How long have you been at the school, Mr. Porter?—A. I came here September 4, 1912.

Q. What is your position?—A. Engineer.

Q. As engineer you are all over the plant many times a day?—A. Yes, sir.

Q. Do you feel that you have had considerable opportunity to observe my general demeanor toward the pupils and employees?—A. Yes; I do.

Q. Did you ever see me conduct myself toward any female pupil of the school in an unbecoming manner?—A. I never did.

Q. Did you ever see me conduct myself toward any female employee of the school in an unbecoming manner?—A. I never saw you conduct yourself in an unbecoming manner toward anybody, Mr. Johnson.

W. E. PORTER.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

D. CLINTON WEST, being called as a witness, testified as follows:

Q. How long have you known me, Mr. West?—A. Since the 7th day of April, this year.

Q. What is your position?—A. Principal.

Q. As principal you have had more or less opportunity to observe my general demeanor?—A. Yes.

Q. Have you ever seen me commit any unbecoming act toward any female pupil of the school?—A. I have not.

Q. Have you ever seen me commit any unbecoming act toward any female employee of the school?—A. I have not.

D. CLINTON WEST.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

WILLIAM J. GARRISON, being called as witness, testified as follows:

Q. What is your position?—A. Fireman.

Q. How long have you known me, William?—A. About five and one-half years.

Q. In all the time you have known me, did you ever see me do anything wrong to any of the girls of the school?—A. No, sir.

Q. Have you ever seen me do anything wrong to the women employees of the school?—A. No, sir.

Q. Have you ever seen me do anything that was wrong?—A. I never did.

WILLIAM J. GARRISON.

Subscribed and sworn to before me this 3d day of November, 1913.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

EBER R. SIZER, being called as a witness, testified as follows:

Q. What is your position, Mr. Sizer?—A. Manual-training teacher.

Q. How long have you known me?—A. For a year.

Q. During this time have you ever seen me commit any act of impropriety toward the female pupils of the school?—A. No, sir.

Q. Have you ever seen any improper action on my part toward the female employees of the school?—A. No, sir.

Q. Have you ever seen me do anything that could be construed as improper or questionable?—A. No, sir.

EBER R. SIZER.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

K. MARTIN HOPKINS, being called as witness, testified as follows:

Q. What is your position, Mr. Hopkins?—A. Instructor in forge work.

Q. How long have you known me?—A. Eight months.

Q. During the time you have known me have you seen me commit any act of impropriety toward any female pupil of this school?—A. I have not.

Q. Have you ever seen me commit any act of impropriety toward any female employee of this school?—A. I never have.

Q. Have you ever seen me do anything that was not what any gentleman should do?—A. I have not.

K. MARTIN HOPKINS.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

———, being called as a witness, testified as follows:

Q. What is your position in this school, ———?—A. ———.

Q. How long have you known me?—A. Since August, 1910.

Q. For family reasons you resigned and left the service for a year, did you not?—A. Yes, sir.

Q. When you applied for reinstatement, you made your application specifically for the Cushman School, did you not?—A. Yes, sir.

Q. During your entire time at Cushman School did you ever see any act on my part toward any female pupil of the school that you considered improper?—A. No, sir.

Q. Have you ever seen any action on my part toward any female employee of the school that you would criticize?—A. I have toward ———.

Q. Just what?—A. You have called on her in her room and have escorted her back and forth to the parties.

Q. Upon the whole, you regard Cushman as a proper place to work?—A. I certainly do. I never would have returned had I not thought so. I have nothing personally against you, Mr. Johnson. You have always treated me right, but I will have to say that I did not like your attitude toward ———, and that is the only thing that I could possibly say against you.

Q. Other than what you have stated above, have you ever seen any action on my part that you would construe as other than the actions of an honorable

gentleman?—A. I never have, and this I have mentioned was indiscreet. I never thought any more about it.

Q. Then you did not regard my actions toward ——— as prompted by any wrong motive?—A. I never said it and I never thought it, but I did not think it was right for the head of an institution to do that. I did not think it was prompted by any wrong motive on the part of either one.

Subscribed and sworn to before me this 4th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

FREDERICK FREEMAN, being called as a witness, testified as follows:

Q. What is your position?—A. Tailor and acting band leader.

Q. How long have you known me?—A. More than five years.

Q. You have seen me around the plant and at parties among the pupils?—A. Yes, sir.

Q. Did you ever see any action on my part toward any female pupil of the school that you would construe as improper?—A. No, sir.

Q. Have you ever seen any improper conduct on my part toward the female employees of the school?—A. No, sir.

Q. Have you ever seen anything during the entire time that you have known me that would lead you to think that I was anything but a straightforward and honorable gentleman?—A. I have not.

FREDERICK FREEMAN.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

———, being called as a witness, testified as follows:

Q. How long have you known me ———?—A. About a year.

Q. What is your position at the school?—A. ———.

Q. When I come into the laundry, do I circulate among the pupils, speak to the girls pleasantly, to the boys, and to you?—A. Yes.

Q. Did you ever see me commit any act of impropriety toward any girl pupils?—A. No.

Q. Do you regard me as upright and honorable in all all my associations with all my employees and the pupils?—A. Yes; I believe so.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor of Indian Schools.

———, being called as a witness, testified as follows:

Q. How long have you known me ———?—A. Since April 7, 1913.

Q. What is your position?—A. ———.

Q. Have you ever seen me commit any improper act toward any female pupil of the school?—A. I have not.

Q. Have you ever seen me commit any improper act toward any female employee of the school?—A. I have not.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

HORACE G. WHITNEY, being called as witness, testified as follows:

Q. How long have you known me, Mr. Whitney?—A. About 10 months.

Q. What is your position?—A. Financial clerk.

Q. In your work you have accompanied me on one or more occasions out in the field?—A. Yes.

Q. When you were in the field how did we habitually spend our evenings?

A. At Olympia we played pool.

Q. You were with me practically all of the time on that trip?—A. Yes, sir.

Q. Did I ever do anything that you considered improper?—A. No, sir.

Q. Did I ever suggest to either you or Mr. Miner that we hunt up some girls or visit a house of prostitution?—A. No, sir.

Q. Have you ever seen me commit any improper act toward any female pupil of the school?—A. No, sir.

Q. Have you ever seen me commit any improper act toward any female employee of the school?—A. No, sir.

Q. In all of your associations with me have you ever seen me do anything that could be considered dishonorable, ungentlemanly, or improper?—A. No, sir.

HORACE G. WHITNEY.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

JOHNSON WILLIAMS, being called as a witness, testified as follows:

Q. How long have you known me, Mr. Williams?—A. About five years, now.

Q. In what capacity have you been employed at Cushman?—A. As teacher and as assistant clerk.

Q. In the capacity as teacher you had a great deal to do with the pupils?—A. Yes, sir.

Q. Have you ever seen me commit any act of impropriety toward the pupils of the school?—A. No, sir.

Q. Have you ever seen me commit any act of impropriety toward the female employees of the school?—A. I have not seen anything of that kind.

JOHNSON WILLIAMS.

Subscribed and sworn to before me this 3d day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

ALVIN DAVIS, being called as witness, testified as follows:

Q. What is your position?—A. Laborer.

Q. How long have you known me?—A. Three years.

Q. Have you ever seen me do anything toward any one of the girls that you thought was wrong?—A. No, sir.

Q. Have you ever seen me do anything toward any lady employee of the school that ought to be criticized?—A. No, sir.

Q. Have you ever seen me do anything at any time that you thought was not gentlemanly or honorable?—A. No, sir.

ALVIN DAVIS.

Subscribed and sworn to before me this 5th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

JOSEPH F. REED, being called as a witness, testified as follows:

Q. What is your position at the school, Mr. Reed?—A. Gardener.

Q. How long have you known me?—A. Four years.

Q. During the time that you have known me have you ever seen me commit any act toward any female pupils of the school that you would criticize?—A. No, sir; I have not.

Q. Have you ever seen me commit any act toward any female employee of the school that you would criticize?—A. No, sir.

Q. Have you ever seen me do anything at any time or at any place that you thought was ungentlemanly or dishonorable?—A. No, sir.

JOSEPH F. REED.

Subscribed and sworn to before me this 5th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

AFFIDAVIT.

STATE OF MONTANA, *County of Rosebud, ss:*

_____ of lawful age, first being duly sworn, deposes and makes the following statements:

That said affiant was from June 22, 1911, until October 13, 1913, employed as _____ at the Cushman Trade School, located at Tacoma, Wash., said school being conducted by the United States Government under the supervision of the Bureau of Indian Affairs. That during said period of employment at said school H. H. Johnson was superintendent of said school.

Affiant further says that while holding the position of _____ at the Cushman Trade School, she had charge of the hospital of said school and was assisted in her work by the larger girl pupils attending the school, and later was supplied with an assistant. That said affiant roomed in said hospital and took meals just across the street from the hospital. That she was conversant with all things that took place and happened at said school hospital. That said affiant seldom ever left said hospital, except to go to the mess for her meals, and when she did leave, she always placed a teacher or another employee in charge of the hospital.

Affiant further says that while she was filling the position of _____ of said school, that said Supt. H. H. Johnson made an inspection once a week, which was usually every Sunday morning. That the nature of said inspection was to determine if everything was in proper order and the hospital being kept in a clean and sanitary order. That during these trips of inspection, the conduct of Supt. Johnson was that of a schoolman, a business man, and a gentleman, and in no instance was his conduct otherwise.

Affiant further says that Supt. Johnson would also visit the hospital when there were cases of sickness. That he made these visits for the purpose of determining the nature of the disease, the kind of treatment the pupil was receiving, and consulting with said affiant in regard to health conditions. That the conduct of Supt. Johnson on these visits was that of a schoolman, a business man, and a gentleman, and in no instance was his conduct toward her or anyone else otherwise. Affiant further says that when Supt. Johnson visited said hospital, that she always accompanied him to the different wards, and that Supt. Johnson never visited the different wards alone, but was always accompanied by said affiant or other person in charge at the time of the visit.

Affiant further says that on many occasions she has been alone with the said Supt. H. H. Johnson, and that his conduct has always been that of a gentleman and never otherwise. That his conduct toward all his pupils has always been that of a superintendent and a teacher, and at no time has he been guilty of any improper conduct toward any pupil or pupils.

Affiant further says that Supt. Johnson has never said anything improper in her presence, or acted in any manner improper in her presence or in the presence of anyone to her knowledge.

Affiant further says that the conduct of Supt. Johnson has never been improper toward herself or any female pupil during the two and a third years that she was holding the position of _____ at said school.

Affiant further says that on October 18, 1913, she was transferred from the Cushman Trade School to the position of _____ at the Tongue River Agency, Lamedeer, which position she is filling at the present time.

HARRIET R. HAGLE.

Subscribed and sworn to before me this 11th day of November, 1913, at the office of the superintendent of the Tongue River Agency, Lamedeer, Mont.

J. R. EDDY, *Superintendent.*

_____, being called as a witness, testified as follows:

Q. How long were you laundress at the school. _____?—A. Four years.

Q. How long have you known me?—A. About five and a half years.

Q. During the time that you have known me, have you ever known of any act of impropriety on my part toward any female pupil of the school?—A. I have not.

Q. Have you ever known of any act of impropriety on my part toward any female employee of the school?—A. I have not.

Q. From conversations with _____ during the past two years what have you gathered as to her attitude toward me?—A. Her attitude toward you

has been very unfriendly. She has made it a practice of coming to me nearly every day and telling me about your actions, and she has told me things that I felt absolutely sure were untrue. I told her that I would not repeat these things about you, and stated that you have always been a very fair business man and have always worked to the best interests of the school.

Subscribed and sworn to before me this 17th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

_____, being called as a witness, testified as follows:

Q. What is your position in the Cushman School, and in your position what authority have you?—A. My position is that of _____, and I have charge of the girls who are taking _____ and the girls who live in the _____ building.

Q. How many girls are there in the building?—A. Right now there are 11.

Q. How long have you been in charge of this building?—A. Since the 5th day of October.

Q. Is _____ in your charge?—A. Yes.

Q. How does _____ compare with the other girls under you?—A. She compares unfavorably with the other girls.

Q. Have you found her truthful?—A. I have never found her in a lie, but I have thought at times that she was not telling the truth.

Q. Do you trust her?—A. No.

Q. Does she give you more trouble than the other girls?—A. She has so far.

Q. Was _____ absent the afternoon of October 6?—A. Yes.

Q. Do you know who came for her?—A. A man came and got her, but I do not know his name.

Q. Did you see her when she returned?—A. Yes.

Q. Was she carrying anything?—A. She brought home a box of candy.

Q. Was _____ absent the following day?—A. Yes.

Q. With whom?—A. The same man that came for her the day before.

Q. Did you see her when she returned?—A. Yes.

Q. Was she carrying anything this time?—A. She carried a box of candy again.

Subscribed and sworn to before me this 17th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

_____, being called as a witness, testified as follows:

Q. Have you discussed with any of the girls the testimony they were to give in support of charges against me?—A. I talked to _____ about it, but I did not discuss it.

Subscribed and sworn to before me this 5th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

_____, being called as a witness, testified as follows:

Q. How old are you?—A. Eighteen years.

Q. You made a statement regarding me to Dr. McChesney about 8 o'clock, Thursday morning, October 30?—A. Yes.

Q. After you left the office, did anybody talk to you about this statement?—A. Yes; _____ did.

Q. Did _____ talk to you about this statement?—A. Yes; she was asking me about it.

Q. How long did she talk to you?—A. About 10 or 15 minutes.

Q. You came back to the office about 11 o'clock the same morning and made another statement, did you not?—A. Yes.

Q. This second statement that you made was after you had had a talk with _____?—A. Yes.

Q. From the conversation that you had with ————, did you gather whether or not she was friendly to me?—A. ———— was not friendly. She also told me that ———— was not friendly.

Subscribed and sworn to before me this 4th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

BAY CENTER, WASH., August 7, 1913.

Mr. H. H. JOHNSON,
Cushman Trade School.

DEAR SIR: JUST thought I would write and let you know the condition Vine is in, and also to let you know that I am not going astray, for I've been trying to do the right thing ever since I've been here. And furthermore, if I were not doing the right thing I think my aunt would do all the reporting of my liberty. As for that matter we had more liberty at Cushman than I ever had here at Bay Center.

Sister Vine is so bad off with consumption that it is all my aunt and I can do is to stay home and take care of the sick here. We have three children sick with the whooping cough. I started to work out washing dishes at a grading camp when I first came home; only stayed two weeks when the children took sick. I stopped work and came home. The camp wasn't 4 miles from home, and that's all the further out of town I have ever been since I came home. I know we have no guardian and will have to have one, so I spoke to L. L. Bush about it and would like to have ————. Well, Mr. Johnson, I feel hurt to think that some one is writing and reporting all that they have, when I have been trying to be a lady. And, Mr. Johnson, you just take my word, if I were going astray my relations and people would soon put a stop to it. I don't hear from ———— or ————, or any of that family, and surely don't care to.

Well, Mr. Johnson, how many children have you at the school, and who is working in the employee's club since I left? I suppose they are enjoying themselves there at the school. We had a nice time on the train coming home. Mr. Bush gave me the tickets to take care of and I learned how to travel and take charge of the fare, which I never knew before. Well, I heard from ———— once.

————, School Student.

[Coiner & Dentler, attorneys at law, 501-504 Bankers' Trust Building, Tacoma, Wash.]

NOVEMBER 14, 1913.

Mr. H. H. JOHNSON,
Tacoma, Wash.

DEAR SIR: Replying to your inquiry of the 13th instant, I beg to say that I have resided in western Washington for about 30 years and am thoroughly acquainted with the Indian character, and have had a wide experience in the trial of causes in which Indians were witnesses, both as prosecuting attorney for this county and as United States attorney, and in my private practice; and I have no hesitancy in saying that the average Indian has no conception of the real wrong of giving false testimony in the sense in which the white man understands it.

To such an extent is this true that I have found that many jurors, especially those most familiar with the Indian character, hesitate greatly to act upon Indian testimony, unless corroborated strongly by circumstances or by the evidence of white persons; especially is this true if there is any reason at all to suspect any motive for the giving of false testimony, such as revenge or reward or the hope of reward.

This is especially true with reference to the younger generation of Indians, who do not seem to have the same high sense of honor that animated many of the older Indians.

The younger generation seems to readily absorb the vices of the white man, while slow to imitate his virtues.

Very truly, yours,

B. W. COINER.

CUSHMAN INDIAN SCHOOL,
Tacoma, Wash., November 17, 1913.

Mr. H. H. JOHNSON,
Tacoma, Wash.

DEAR SIR: In reply to your inquiry in regard to ——— affidavit, I will say that she was first called to the office on October 30 last, about 8 o'clock, or shortly thereafter, in the morning, and that her statement was taken in shorthand, and she was told to come back to the office about 11 o'clock, when her statement would be extended and be ready for her to sign and make oath to. The statement that she made at this time was radically different from the statement that she later made and was not nearly as unfavorable to you as the statement she made when she returned to the office about 11 o'clock of the same day. It appeared to me, from her two statements, that some one had been talking to her in the meantime.

The first statement referred to above was not signed.

Very respectfully,

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

STATE OF WASHINGTON, County of Pierce, ss:

Oscar H. Keller, being duly sworn, deposes and says: I have been employed as chief clerk at the Cushman School and Agency during the entire time of Supt. H. H. Johnson's incumbency at this school, and that during this time the miscellaneous funds derived from the sale of swill and old junk from time to time were turned over to me in every instance and placed in a drawer in the office safe; that under the superintendent's instructions I made no record of these funds when given to me; that when any purchase was to be made, or had been made, I was directed to hand over the amount to cover the purchase or expenditure; that I firmly believe that every amount so handed over was expended in one way or other in the Government service at the Cushman School for facilitating business, purchasing supplies for the office, providing annual picnic excursions for the pupils, and for other purposes wherein the school and pupils were benefited; and that at no time Supt. Johnson took any of this money out of the drawer, to the best of my knowledge and belief.

OSCAR H. KELLER, Chief Clerk.

Subscribed and sworn to before me this 18th day of November, 1913.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

Original consists of 20 tickets, showing delivery July 2, 1913, to October 14, 1913, by Standard Oil Co., of 582½ barrels fuel oil.

TACOMA, WASH., AGENCY, October 31, 1913.

Cushman Trades School, Tacoma, Wash., to Hans T. Engoe, Dr.

	Pounds.	Amounts.	Credits.	Balance.
June, to balance.....				\$32.40
July 10, by check.....			\$52.50	20.10
July 31, to yeast.....	7, at 30 cents..	\$2.10		18.00
Aug. 30.....	5, at 30 cents..	1.50		16.50
Sept. 30.....	4½, at 30 cents..	1.35		15.15
Oct. 31.....	17, at 30 cents..	5.10		10.05

Credit balance due October 31, 1913, \$10.05.

Please examine and remit by return mail.
Respectfully,

HANS T. ENGOE.

STATE OF WASHINGTON, County of Pierce, ss:

Kaspar Feldmann, being duly sworn, deposes and says: I delivered milk on my contract for the fiscal year 1913 to the Cushman School after June 30,

1913, as follows: July 1 to 4, inclusive, 6 gallons per day; July 5 to August 25, 3 gallons per day, making a total of 180 gallons of milk, amounting to \$42, thereby fulfilling the conditions on the voucher upon which I received payment.

KASPAR FELDMANN.

Subscribed and sworn to before me this 13th day of November, 1913, at Tacoma, Wash.

(Signed)

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

SEPTEMBER 26, 1913.

Cushman Indian School, Tacoma, Wash., to Armour & Co., Dr.

Account rendered. (Branch-house department.)

April 7	\$13.20	June 30	13.20
April 14	13.20	July 7	13.20
April 21	13.20	July 10	19.80
April 28	13.20	July 22	13.20
May 5	13.20	July 28	13.20
May 12	13.20	August 4	13.20
May 19	13.20		
May 26	13.20		244.20
June 2	13.20	July 10, credit	204.60
June 9	13.20		
June 16	13.20	Total account	39.60
June 23	13.20		

SEATTLE, WASH., July 8, 1913.

Department of the Interior, Cushman Indian School, Tacoma, Wash.,
bought of Armour & Co., 2 cs., 30/1, Glendale, 60-22 \$13.20
Sterrett. Oleomargarine.

SEATTLE, WASH., July 8, 1913.

Department of the Interior, Cushman Indian School, Tacoma, Wash.,
bought of Armour & Co., 3 cs., 30/1, Glendale, 90-22 \$19.80
Sterrett. Oleomargarine.

STATE OF WASHINGTON, *County of Pierce, ss:*

Wilson A. Hennig, of lawful age, being first duly sworn, deposes and says: I am manual training teacher at the Cushman School, and was detailed by the superintendent to have charge of the erection of the two buildings now under construction at the school. I carefully checked all material for these buildings, as shown on vouchers 131, 132, 133, 125, 138, 139, 140, 142, 144, 146, 147, and 148 of the superintendent's accounts, for the fourth quarter 1913, and further state that all the material listed in said vouchers was delivered at the school.

WILSON A. HENNIG,
Manual Training Teacher.

Subscribed and sworn to before me this 20th day of November, at Tacoma, Wash.

CHAS. E. MCCHESENEY,
Supervisor Indian Schools.

STATE OF WASHINGTON, *County of Pierce, ss:*

W. E. Porter, of lawful age, being first duly sworn, deposes and says: I am engineer at the Cushman School, and have charge of heating, plumbing, and lighting at the school plant. I have carefully checked all the articles called for on vouchers 124, 136, 137, 141, 143, and 145 of the superintendent's accounts for the fourth quarter, 1913, and find that all the articles listed in said vouchers

were actually delivered at the school prior to the signing of the inspection certificates.

W. E. PORTER, *Engineer.*

Subscribed and sworn to before me this 20th day of November, 1913, at Tacoma, Wash.

CHAS. E. MCCHESENEY,

Supervisor Indian Schools.

BULLARD & HILL, ARCHITECTS.

Tacoma, Wash., November 11, 1913.

Mr. H. H. JOHNSON,

Superintendent Cushman Trades School, Tacoma, Wash.

DEAR SIR: In response to your request to inspect the new cottage now being erected for a superintendent's home at the Cushman Indian Trades School, and render an opinion as to whether the building is being constructed with an economical management as to expense, I suggest the following comparison:

During the summer of 1909 the Indian Department constructed a number of buildings under contract, among which were two cottages for employees. These cottages are very plain in design and simple in construction, and are not so expensive in character as is the superintendent's cottage, but will serve as a basis on which to make a comparison of relative cost. The cost of the cottages after adding 2 per cent, which I was paid for supervision, was \$2,942.70 each. The cubical contents of each cottage approximates 28,740 cubic feet, from which the cost is readily estimated at approximately 10½ cents per cubic foot.

The new superintendent's cottage now nearing completion will approximate 66,216 cubic feet in volume, which, at 10½ cents per cubic foot, will cost \$6,754.03 on a basis of the cost of the small employees' cottages. The new cottage is a higher quality of building, with two large fireplaces, oak floors, paneled ceiling, stairway, and hall, hot-water heater, and laundry, which the small cottages do not contain. The new cottage under contract, with its better finish and appointments, should be allowed a higher price per cubic foot to place its cost on a proper basis.

A similar comparison may be made with reference to the flat building for employees, now being finished. The employees' quarters building erected under my supervision two years ago cost, including supervision, \$12,833.64, being built by contract, let to the lowest bidder, as were the small cottages. This building contains approximately 125,590 cubic feet, which also figures at approximately a cost of 10½ cents per cubic foot. The new flat building contains approximately 91,495 cubic feet, which, at a cost of 10½ cents per foot, will or should cost \$9,607.37 on the same basis as the employees' quarters building, if let under contract. The flat building contains four fireplaces and four chimneys, whereas the employees' quarters contains but one, and one bathroom more than the latter building. It is about the same class of building and the comparative cost for the two buildings is quite a fair one.

In my judgment the new superintendent's cottage and the flat building for employees are being erected on a conservative basis and economical management, and a substantial saving is being made from what the contract price would have been.

Trusting these statements will, in a measure, meet your request, I am,

Very respectfully,

GEO. W. BULLARD.

YOUNG WOMEN'S CHRISTIAN ASSOCIATION,

Tacoma, November 4, 1913.

COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

DEAR SIR: With regard to the charges made against the character of Supt. Johnson, of the Cushman Indian School, we, as the officials of the Tacoma Young Women's Christian Association, would like to state that our relations with Mr. Johnson have been most cordial.

During the last year, since the organization of our special work at the school, he has given us his hearty support and has constantly united with us in our efforts toward the uplift of the girls of the school.

We had never heard a word derogatory to his moral character until the publication of the charges against him. We feel that he is entitled to another investigation, and if he is granted the same we feel confident that the charges against him will be found to be without foundation.

Very truly, yours,

Mrs. C. S. BOWIE, *Supervisor.*

MUNICIPAL DEPARTMENT OF PUBLIC SAFETY FOR YOUNG WOMEN.

Tacoma, Wash., October 30, 1913.

COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

DEAR SIR: My attention has been called to the investigation of the conduct of Supt. Johnson, of the Cushman School.

As public morals officer of the city of Tacoma, I have held my present position almost four years, and have known Mr. Johnson almost all of that time. I have worked with him on several cases involving wayward Indian girls, and have had several long talks with him regarding the problem of the Indian girl. I have always found him most anxious to do everything in his power to protect the girls and to raise their standards. The uplift of the Indian pupils and the proper management of his school always seemed to be the interest nearest his heart.

I also know Mr. Johnson's family, and do not hesitate to express the belief that he leads an exemplary life.

I have watched the growth of the Cushman School under the management of Supt. Johnson, and have seen it grow from a second-rate institution to one that the city of Tacoma is proud of.

In closing, I wish to express my entire confidence in Mr. Johnson and a keen regret that he and his family are compelled to undergo what appears to me to be an unjust attack.

Very truly, yours,

WINNIFRED S. COVELL,
Public Morals Officer.

TACOMA, WASH., November 13, 1913.

HONORABLE COMMISSIONER INDIAN AFFAIRS,

Washington, D. C.

SIR: The business committee of the Puyallup Tribe of Indians wish to say a few words in behalf of our superintendent, Mr. H. H. Johnson.

Mr. Johnson has been with us over five years and has been most zealous in guarding our interests.

In fact we feel that the present attack on him is partially due to his untiring efforts to save our cemetery intact.

It has been almost 20 years since we have had an agent who has worked for our interests and welfare as has Mr. Johnson.

We wish also to pay tribute to Mr. Johnson's management of the Cushman School, particularly in the matter of safeguarding the morals of the pupils. The rigid but kindly discipline maintained at the school is the subject of frequent and favorable comment among the Indians.

Our children have been more than willing to be enrolled as students of the Cushman School, and we all feel that they are perfectly safe in his hands.

We do not hesitate in declaring our belief that the charge of immorality brought against Mr. Johnson is without foundation in fact.

On behalf of the Puyallup Tribe we petition you to restore Mr. Johnson to his position as superintendent of the Cushman School and Agency.

Very respectfully, yours,

JOHN (his x mark) MUKER,
CHARLEY (his x mark) SOTIACUM,
JOHN (his x mark) HOTE,
JOSEPH (his x mark) SWAYALL,
HENRY C. SICADE,

Business Committee of the Puyallup Tribe.

Right Rev. FREDERIC W. KEATOR, D. D.,
BISHOP OF OLYMPIA.

Tacoma, Wash., November 21, 1913.

TO THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I ask the privilege of adding to that of many others my cordial commendation of Mr. Herbert H. Johnson, until recently in charge of the Cushman Trade School at Tacoma. I have known Mr. Johnson personally for the past five years, not only in connection with the school, but in various social relations. I have several times visited the school and noted his relations with those with whom he was associated. His management of affairs has invariably impressed me as in every way efficient and exemplary.

In all my association with Mr. Johnson, I have always found him a man of high ideals, strong moral purpose, and entire devotion to the work intrusted to him.

None of the charges recently made against him have in any way changed my judgment of the man or shaken my confidence in him.

Respectfully,

FREDERIC W. KEATOR.

FIRST METHODIST EPISCOPAL CHURCH,
Tacoma, Wash., November 21, 1913.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: Having been a resident of this city for nearly four years, I have had some knowledge of the character and work of Mr. H. H. Johnson, superintendent of the Cushman Indian School in this city.

It has been my privilege to visit the school three separate times. I have always found Mr. Johnson courteous and gentlemanly, and so far as I could ever see or learn, very faithful and efficient in the discharge of his duties.

Because of special interest in this class of work, to which I have given some more than usual attention, I have noted the situation with more than the attention of a mere casual visitor.

So far as I know, or have ever heard, Mr. Johnson's reputation in this city for moral uprightness is never questioned. To the best of my knowledge he has the confidence and respect of those who know him best.

In view of recent happenings concerning the affairs of the above-mentioned school, it gives me great pleasure to bear testimony to my personal respect for and belief in the uprightness of character of Mr. Johnson.

Most respectfully,

THOMAS W. LANE.

TACOMA, WASH., November 22, 1913.

To whom it may concern:

This is to certify that for over a year I have attended the Cushman Indian School, caring for the spiritual welfare of the Catholic children who are members of it. Of my own accord and freely I am happy to state that I have ever found Superintendent Johnson a perfect gentleman, and, as far as I have dealt with him, an honor to the service which he represented. Neither have I in public or in private ever noted or heard anything reflecting upon his capacity or good conduct.

Yours, sincerely,

IG. A. VASTA, S. J.

TACOMA, WASH., November 17, 1913.

To whom it may concern:

This is to certify that I have been personally acquainted with Mr. H. H. Johnson, superintendent of the Cushman Indian School, ever since he came to that school. I resided near the school previous to his coming there and for a short time afterwards, hence have had occasion to observe the conditions there, and I can freely say that Mr. Johnson has built up the school and improved the

conditions of the buildings and grounds, and I believe the discipline of the school, very materially. I have never heard anything derogatory to his character.

REV. JOEL VEJUS,

City Missionary of the Methodist Episcopal Church.

EAST CONGREGATIONAL CHURCH,

Tacoma, Wash., November 17, 1913.

The COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

DEAR SIR: It is with regret that I read of the charges made against H. H. Johnson, superintendent of Cushman Indian School, Tacoma, Wash.

Mr. Johnson always impressed me as being a real friend to the pupils under his charge, and I am reluctant to believe any wrongdoing between him and any of the girls under his care.

I have asked this man if there is the least possible foundation for the charge of improper conduct with girls, and he informs me there is not.

You will pardon me, I am sure, if I ask that Mr. Johnson be given the benefit of a doubt, for it would be an awful calamity to degrade by dismissal an innocent man.

I know Mr. Johnson will receive at your hands a fair hearing; this letter is not a plea for that; it is simply a request that in view of Mr. Johnson's past and for the sake of his wife that I ask that if a doubt exists to please extend the benefit to Johnson.

You have facts and information to help you in coming to a decision. I simply have the word of Mr. Johnson. But I do ask that you please extend to him any reasonable doubt.

If I can at any time be of service to the cause of the Indian in Tacoma you have simply to command me. During the past year Cushman Indian orchestra and band have been in our church three times. Sunday, November 30, we shall present the Cushman orchestra to the public in a sacred concert. By this means in a popular way I am trying to bring Tacoma and Cushman Indian School affairs into a closer sympathy and better understanding.

The first introduction of Cushman Indian School to public in my church was made possible by Mr. Johnson; for this I feel very kindly toward Mr. Johnson.

Yours, very faithfully,

A. D. SHAW.

TACOMA COMMERCIAL CLUB AND CHAMBER OF COMMERCE,

Tacoma, Wash., November 19, 1913.

Resolution adopted by the board of trustees of the Tacoma Commercial Club and Chamber of Commerce in regular session, Tuesday, November 18, 1913:

Resolved, That the board of trustees of the Tacoma Commercial Club and Chamber of Commerce extend to Supt. H. H. Johnson, of the Cushman Trades School, assurance of its belief in the intelligence, honesty, and efficiency of his direction of that institution, and of its admiration for the energy and devotion with which his work has been characterized, and which has resulted in the establishment of the foremost vocational school for Indians in the United States.

Attest:

The foregoing is a true copy of a resolution adopted by the board of trustees of the Tacoma Commercial Club and Chamber of Commerce, in regular session November 18, 1913.

T. H. MARTIN,

Secretary and General Manager.

BULLARD & HILL, ARCHITECTS,

Tacoma, Wash., November 11, 1913.

To the honorable COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: In the month of July, 1909, the writer was appointed by the Secretary of the Interior as superintendent of construction at the Cushman Indian Trades School, to superintend the construction of a number of buildings then being

erected by contract for the school. During the following years of 1910 and 1911 I was reappointed to act in the same office on other buildings and improvements then being constructed. During these three years it was my responsibility to superintend approximately \$195,000 worth of work at the school for the Department of Indian Affairs.

When I was appointed to the position mentioned, I practically had no experience with the customs of this department of Government work, and had but little knowledge of the methods and character of the employees of the Department of Indian Affairs. Supt. H. H. Johnson and his office associates were each and all entire strangers to me. I entered upon my duties as superintendent of construction, not only with a desire to secure the best results possible in the building operations but also to advise and to cooperate with Mr. Johnson pertaining to the work under my supervision. This led me to come in close relations with him and to carefully observe the spirit and motive that prompted him in all his actions pertaining to the work and to my position as superintendent.

In all my dealings with Mr. Johnson I never observed an intimation or suggestion of anything questionable in thought, word, or deed. His every act appeared impartial and unselfish, and to be prompted with a motive to secure the best results possible for the school and for the Department of Indian Affairs which he represented. I found him thoroughly practical and conversant with building construction, and to be a man with whom I could advise and consult with the utmost frankness. Our conferences were always pleasant and harmonious.

My acquaintance and experience with Mr. Johnson leads me to believe him to be a man of exemplary character, and to be a person of unquestioned integrity.

GEO. W. BULLARD.

BANKERS' TRUST COMPANY,
Tacoma, Wash., November 15, 1913.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: I have had occasion to observe somewhat intimately the work of Supt. H. H. Johnson, of the Cushman Trades School, of this city, and I have been greatly impressed by the enthusiasm he has displayed in the practical up-building of the school.

As president of the chamber of commerce a few years ago I took an active interest in the school's affairs, and the chamber did what it could to aid Mr. Johnson in obtaining increased appropriations, and especially in having the Government pave the street through the school grounds.

At no time did I find Mr. Johnson other than a tireless worker, earnestly endeavoring to promote the school's interests, and it seems to me a matter of much regret that what seems somewhat like persecution of a political and personal nature should have brought about his temporary suspension.

I trust that when the facts are thoroughly investigated Mr. Johnson will be promptly reinstated.

Yours, truly,

GEO. B. BURKE, *Vice President.*

NORTHERN PACIFIC RAILWAY CO.,
PASSENGER DEPARTMENT,
Tacoma, Wash., November 15, 1913.

Mr. CATO SELLS,
Commissioner of Indian Affairs, Washington, D. C.

DEAR SIR: I beg leave to address you on behalf of Mr. H. H. Johnson, former superintendent of the Cushman Indian School, of Tacoma, whom I understand is under suspension.

During Mr. Johnson's incumbency I have been associated with him in a business way to a large extent and I have yet to learn of any irregularity on his part, and further, I can vouch for his integrity and uprightness as a man, and furthermore I can state that he is a gentleman well thought of in the community and I never have heard during my acquaintance with him of any adverse criticism whatsoever.

Yours, very truly,

C. B. FOSTER, *City Passenger Agent.*

W. P. FULLER & Co.,
Tacoma, Wash., November 8, 1913.

COMMISSIONER OF INDIAN AFFAIRS,
City.

DEAR SIR: This is to advise that in all the dealings between Mr. H. H. Johnson, as superintendent of the Cushman School, we have found him strictly fair and at no time have we received any business from him except when we were the low bidder and legitimately entitled to same.

We have found Mr. Johnson strictly honorable in all his dealings with this house and are pleased to offer this information as to his business transactions with this company.

Yours, truly,

W. P. FULLER & Co.,
By J. S. MENEFFEE, *Manager.*

STATE OF WASHINGTON, TREASURY DEPARTMENT,
Olympia, November 19, 1913.

Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: I have noticed in the daily papers the announcement of the suspension of Mr. H. H. Johnson, superintendent of the Cushman School. I have known Mr. Johnson for about five years and always regarded him as a man of sterling character. His record as an honorable business man is good. The citizens of Tacoma believe him to be above reproach, morally, and do not credit the stories to the contrary.

I feel sure that Mr. Johnson will clear himself when allowed to present his side of the case.

Respectfully, yours,

EDWARD MEATH,
State Treasurer.

HORGAN PARKER CO. DEPARTMENT STORE,
Tacoma, Wash., October 31, 1913.

Honorable COMMISSIONER INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: We wish to say a word for Supt. Johnson, of the Cushman School, who is now suspended pending the investigation of certain charges.

We have known Mr. Johnson ever since he came to Tacoma. He is always filled with enthusiasm for his work and seems to be always planning new ways to make his school better and the pupils happier.

When the Christmas season comes around Mr. Johnson is always on hand with an earnest plea for help to give his children a Christmas remembrance. It has always been a pleasure to us to respond to his request made in behalf of the Indian children.

We have seen the school grow under Mr. Johnson's management from a few dilapidated buildings to a splendid up-to-date trades institution valued at over \$400,000. The attendance has increased from less than 150 to over 350.

We certainly feel that such untiring work will receive just recognition at your hands.

A man that has worked so hard for his institution as has Mr. Johnson can not be guilty of serious wrongdoing.

Mr. Johnson universally bears a splendid reputation for honesty, energy, and uprightness. His personal life and character are above reproach.

We feel confident that an investigation will speedily acquit Mr. Johnson of any wrongdoing, and that he will again be directing affairs at Cushman as efficiently as he has done in the past.

Respectfully, yours,

P. J. PARKER.

TACOMA, WASH., *October 31, 1913.*

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: We notice from the press that charges have been preferred against Mr. H. H. Johnson, superintendent of the Cushman Indian School in this

county, and Mr. Johnson called on the writer with reference to the same. We have known Mr. Johnson ever since he came to Tacoma, more than five years ago. The writer does not know anything with reference to the truth or falsity of the specific charges made against Mr. Johnson; however, our firm has had considerable business dealings with him, and we can say, without hesitation, that so far as our business dealings and acquaintance with him go he is absolutely honest and honorable in all business matters. Among the business men of our acquaintance who know Mr. Johnson his reputation and moral character are considered good.

Our understanding has always been that he has made the Cushman Indian School an institution to be proud of, and sincerely trust that the charges against him will prove unwarranted, and if so that he will be restored to duty at the Cushman Indian School.

Very truly, yours,

WM. L. DAVIS & SONS,
WM. L. DAVIS.

TACOMA, WASH., November 1, 1913.

COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

DEAR SIR: In reference to the accusations against H. H. Johnson, of the Cushman School, would say that I have known Mr. Johnson over three years, and must say that his reputation as to sobriety, integrity, and morals is beyond reproach, and I feel that it is through ulterior motives that these accusations are made.

Yours, very respectfully,

R. VAETH.

JONES-SCOTT Co.,

Tacoma, Wash., November 1, 1913.

Hon. CATO SELLS,

Commissioner of Indian Affairs, Washington, D. C.

DEAR SIR: It has come to my knowledge that charges have been filed against H. H. Johnson, of the Indian school here, reflecting upon him both financially and morally, and that pending a full investigation of his case he has been suspended and not allowed up to this time to make a defense.

I feel sure that it can not be the intention or desire of your department to convict a man without giving him a fair and impartial hearing, and I am not prepared at this time to say that the result might be any different if he has full opportunity to defend himself, but will be greatly surprised if such is the case.

The school, as you may know, is situated practically in the city of Tacoma, and is looked upon more or less as a Tacoma institution. Before the arrival here of Mr. Johnson, there had been more or less friction between the local management and the department in Washington, and with some of these matters I became somewhat familiar.

I will say I was president of the chamber of commerce and board of trade here for six years, and it was while I was acting in that capacity I met him, and with some knowledge of the man who had preceded him, and watching him closely since his arrival over five years ago, had formed a very high opinion of him as an officer of the Government and as a citizen. I know his wife and family and have never had the slightest reason to believe he was not a model husband and father.

In my connection with a bank here I have had occasion to meet him both in a personal and official way, and Johnson's opinion of his work always carried with it the fullest confidence. Now, all this being true, you can imagine when I heard of his discharge what a surprise it was, and I hate to have my idols thus shattered without some protest from me.

I may say I have never had any dealings or any such intimacy with him that places me under the slightest obligations to him, and my only object in thus writing regarding the case is that I believe in him, and still believe in him, and desire he gets a square deal.

In conclusion, will say that if he gets a fair opportunity to bring his case before you, and if, after weighing the evidence and acquainting yourself with

the motives behind the parties making charges, you then decide he is wrong, I will be satisfied, but disappointed.

Very truly, yours,

WILLIAM JONES.

TACOMA, WASH., November 1, 1913.

COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

DEAR SIR: We take the liberty to address you with reference to the suspension of Supt. H. H. Johnson from the Cushman Indian School, of this city, and particularly with reference to published report in this morning's Ledger pertaining to the charges filed against him by your department.

In justice to all concerned, your department included, we feel it our duty to remonstrate strongly against the person or persons lodging complaints of this nature against a man who, we believe, is innocent of the charges mentioned.

The writer has known Mr. Johnson intimately since his residence here as a temperate, honest, and particularly zealous servant of the Government.

We have transacted considerable business with him and have always found him painstaking and most exacting in his trading, always having in mind the best interests of the Government who he represents.

The writer has met him socially at dinners and other functions, in our commercial club, where opportunities were offered to indulge in intemperance, and can positively state this man is not a drinker.

From a constant observation, covering a period of several years, we have regarded this man as decidedly "on the job," and we know him to be well regarded in this community. If he has overstepped the strict limits of regulations covering his duties, we would say it was from an overzealous inclination to conserve your interest and certainly not for any personal advantage or gain.

We sincerely hope and believe that he will be able to clear himself completely of the charges filed and herewith strongly recommend his reinstatement by your department, on the plea that he is particularly well fitted to handle the position, as evidenced by the progressive condition which obtains at the school at the present writing.

Very respectfully, yours,

CRANE CO.,

By JOHN W. MISNER, *Local Manager.*

THE NATIONAL BANK OF TACOMA,

Tacoma, Wash., October 31, 1913.

Hon. CATO SELLS,

Commissioner of Indian Affairs, Washington, D. C.

DEAR SIR: In connection with the recent suspension of H. H. Johnson, superintendent of the United States Indian school near this city, it gives me much pleasure to testify to his excellent character and business integrity during his incumbency of the position from which he was removed. Mr. Johnson is known here as a total abstainer from intoxicating liquors and a man whose moral character is above reproach. During all the time he was in charge of the agency his business was transacted through the National Bank of Commerce, recently merged with this institution, and I never knew him to do anything not strictly in line with the best business ethics. He was devoted to his work, and his many friends in Tacoma feel that a great injustice has been done him, and that he will surely purge himself of the charges made if given an opportunity to present his proofs.

Yours, respectfully,

E. T. WILSON, *Vice President.*

TACOMA, WASH., November 11, 1913.

COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

DEAR SIR: It is with regret that we learn of the criticism of Mr. H. H. Johnson's management of the Cushman School. Having had business dealing with him the past six years, wish to advise you, in his behalf, that he has

always had the interest of the school in mind. His purchases from us have been at a close price—being competitive bidding—never soliciting us for personal favors, and we were never given any preference over other bidders, and did not secure a large percentage of the business on which we submitted quotations.

The writer has known Mr. Johnson since his arrival in Tacoma—a man of ability and public esteem, devoted to the upbuilding of the school—and believe his removal would be a mistake and an injustice.

Respectfully, yours,

RELIANCE LUMBER & TIMBER CO.
G. L. HATCHELL, *Manager*.

TACOMA, WASH., November 9, 1913.

COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

DEAR SIR: Permit me at this time and in this manner to convey to you my highest personal regards, respect, and esteem of Mr. H. H. Johnson, now under temporary suspension of the superintendence of the Cushman Indian School.

I have had the pleasure of knowing Mr. Johnson quite intimately since his arrival at the school, and, being one of the members of the board of education of this city, I have had the privilege and duty of investigating different phases of the school situation under Mr. Johnson, and must say, in justice to him, that he has the general educational, social, and moral welfare of the school exceedingly well in hand, and, with the great majority of students, teachers, and employees, we find him held in the very highest degree of respect and consideration.

As one who has had considerable dealings with him in a business as well as professional way, the writer believes he voices the same words, feelings, and respect for the high personal character and business worth of Mr. Johnson, as hundreds of Tacoma business men would be pleased to do if they had the opportunity or thought the occasion may require it. However, as to the business capabilities, methods, economy, and efficiency of Mr. Johnson, no one is in better position to judge than yourself.

Trusting you will give this humble testimonial in behalf of Mr. Johnson due notice and consideration, and not be swayed by the personal animosities, petty jealousies, and malicious testimonials of those who would be happy in destroying any human character, and thanking you in advance for any favors which you may see right and just in extending to him, I beg to remain

Yours, very respectfully,

ELWELL H. HOYT.

SEATTLE, WASH., November 12, 1913.

SIR: We have noticed in the local papers that Commissioner H. H. Johnson, of the Cushman School, of Tacoma, has been charged with several irregularities in connection with his duties as superintendent of the above institution.

We wish to state in this connection that we have been well acquainted with Mr. Johnson for over two years past and have always considered him a man of sterling honesty and high moral character in every respect and one who was thoroughly conscientious and vitally interested in the performance of his duties.

Some two years ago we succeeded in securing an order from the Indian Department for most of the equipment of the Cushman School, we being in competition with machinery houses as far east as Chicago, our prices being practically the same as those submitted by the eastern houses of the same line of goods, one of the principal reasons for being successful being due to our close location and the fact that we could give prompt and efficient service. Mr. Johnson handled this proposition in a thoroughly businesslike manner, with the cooperation of his assistant, Mr. Griffith; and due to the eastern competition which we encountered on this order, and which Mr. Johnson stimulated, we received the business on a much less margin of profit than we ordinarily handle propositions of this nature for. The writer has visited the school on quite numerous occasions since. Mr. Johnson has spoken with a great deal of pride on the beneficial results derived by the institution from the manual-training department at the school, and also appeared very enthusiastic and personally interested in its

other branches and welfare in general. We have also assisted him in securing a competent instructor for his manual-training department.

On the whole, we have always considered him a thoroughly straightforward and conscientious executive, or at least he has always proven such in the quite extensive dealings we have had with him, and it was with considerable surprise and regret that we learned of the present embarrassment in which he is placed.

Very truly, yours,

HALLIDIE MACHINERY CO.
WILLIAM R. LE BLOND.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

TRAIN ELEVEN, SOUTHERN RAILWAY,
October 7, 1913.

HON. FRANKLIN K. LANE,
Secretary of Interior, Washington, D. C.

Joint Commission to Investigate Indian Affairs unanimously recommend immediate separation of Supt. Johnson, Cushman School, from the service for the good of the service.

JOE T. ROBINSON.

TRAIN ELEVEN, SOUTHERN RAILWAY,
October 8, 1913.

THE SECRETARY OF THE INTERIOR,
Washington, D. C.

MR. SECRETARY: I telegraphed you last night in substance that the Joint Commission to Investigate Indian Affairs unanimously recommended that Supt. Johnson, of the Cushman School and Quinaielt Reservation, be immediately separated from the service. The principal grounds upon which this recommendation is based is the fact that for some time he is believed to have abused his position and mistreated female pupils under his charge by paying them improper attention and fondling them. The commission, with the assistance of Inspector Linnen, took the testimony of several young ladies, pupils in the school, of the matron, and the seamstress at the Cushman School, and of some former pupils, all of whom testified that on sundry occasions Supt. Johnson had embraced and kissed certain young lady pupils, and had offered some similar attentions to certain teachers in the school. There is no evidence of criminal conduct on the part of Mr. Johnson, but the commission believes, and so does Inspector Linnen, that his usefulness is destroyed by reason of the fact that his pupils have lost all respect for him. It is quite regrettable that such circumstances should exist, for the school is otherwise progressing in a very satisfactory way. Information as to Supt. Johnson's conduct toward his female pupils reached us because of the general rumor among the larger pupils at the school, and we felt it imperative to make an immediate investigation of the matter, with the result above indicated. There are 14 ladies, more than half of them pupils, whose names have been furnished us, disclosing improper conduct on the part of Supt. Johnson. More than half this number consists of former pupils and several, two or three, are still students at the school. A copy of the testimony will be furnished Inspector Linnen, and he will make a formal report as soon as this testimony can be transcribed by the stenographer.

Yours, truly,

JOE T. ROBINSON, *Chairman.*

TRAIN 11, SOUTHERN PACIFIC RAILWAY,
October 8, 1913.

HON. HARRY LANE,
United States Senate, Washington, D. C.:

Commission investigated Cushman School and found state of facts which, in our judgment, make it imperative to recommend immediate dismissal from service of Supt. Johnson. We have accordingly wired Secretary Lane to that effect.

JOE T. ROBINSON, *U. S. Senator.*

WASHINGTON, D. C., October 9, 1913.

Senator JOE T. ROBINSON,

Chairman (try Alexandria Hotel), Los Angeles:

I will back your action Cushman School superintendency.

HARRY LANE, *U. S. Senator.*DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, October 11, 1913.

Senator JOE T. ROBINSON,

Care Senator Fall, Three Rivers, N. Mex.:

Your telegram seventh. I have ordered immediate suspension of Johnson and placing of special officer temporarily in charge. Please forward to me such facts as you may have in the case for use in preparation of charges as required by law.

CATO SELLS, *Commissioner.*

LONOKE, ARK., October 23, 1913.

Mr. E. B. LINNEN,

*Inspector, care Hon. Cato Sells, Commissioner of Indian Affairs,
Washington, D. C.*

DEAR MR. LINNEN: I transmit herewith a copy of that part of the testimony relating to the conduct of Supt. Johnson, Cushman Indian School, Tacoma, Wash., taken by Ross Williams. A copy of the testimony of other witnesses relating to the same subject matter taken by Stenographer Bourland will be furnished you just as soon as it has been received. With personal regards, I am,

Very truly, yours,

JOE T. ROBINSON, *Chairman.*

DECEMBER 8, 1913.

Hon. CATO SELLS,

Commissioner of Indian Affairs, Washington, D. C.

MY DEAR SIR: Referring to the case of H. H. Johnson, superintendent of the Cushman School, Tacoma, Wash., and your verbal inquiry as to whether the joint commission to investigate Indian affairs have any further information or suggestions to submit to you, I have to inform you that Mr. Johnson appeared in person before the commission on Friday, December 5, and made a further statement regarding the charges against him and filed statements and affidavits relating thereto. Upon a consideration of the whole case the commission is unanimously of the opinion that the recommendations heretofore made to the effect that Supt. Johnson be separated from the service for the good of the service should be adhered to.

Yours, very truly,

JOE T. ROBINSON, *Chairman.*DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 16, 1913.

MY DEAR SENATOR: I have this day ordered, subject to approval of the Secretary of the Interior, the dismissal of H. H. Johnson as superintendent of Cushman Indian School, being satisfied from the record that such action is required.

Very truly, yours,

CATO SELLS, *Commissioner.*

Hon. JOE T. ROBINSON,

*Chairman Joint Commission to Investigate Indian Affairs,
United States Senate.*

PHOENIX SCHOOL, GILA RIVER, CHUAHCHU, COCK-
LEBUR, AND GILA BEND RESERVATIONS

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE
CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
FIRST SESSION

TO

INVESTIGATE INDIAN AFFAIRS

OCTOBER 13, 1913

PART 4

Printed for the use of the Joint Commission



WASHINGTON
GOVERNMENT PRINTING OFFICE

1914

CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.

HARRY LANE, Oregon.

CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEPHENS, Texas.

CHARLES D. CARTER, Oklahoma.

CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.

ROSS WILLIAMS, Arkansas, *Clerk*.

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PHOENIX SCHOOL, PHOENIX.

MONDAY, OCTOBER 13, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS, *Phoenix Indian School, Phoenix, Ariz.*

The commission met at 1 o'clock p. m., pursuant to the call of the chairman.

The following members were present: Senator Joe T. Robinson (chairman), Senator Charles E. Townsend, and Representatives John H. Stephens, Charles D. Carter, and Charles H. Burke.

STATEMENT OF C. W. GOODMAN, SUPERINTENDENT OF PHOENIX SCHOOL, PHOENIX, ARIZ.

C. W. Goodman, first being duly sworn by Senator Townsend, testified as follows:

By Senator TOWNSEND:

Q. What is your position?—A. Superintendent of the Indian school here.

Q. How long have you been in that position?—A. Almost 12 years here.

Q. Where were you before you came here?—A. Chilocco, Okla.

Q. How long were you superintendent at Chilocco?—A. Three years and four months.

Q. Had you been in the service prior to that time?—A. Yes, sir. Previous to that time I was superintendent at Pawnee, Okla.; and before that at Kings Canyon one year, and before that I was supervisor of Indian schools in the north, from Michigan to the Dakotas.

Q. How old are you?—A. Fifty-three. I have been 21 years in the service.

Q. What have you here: the Phoenix School and hospital?—A. Yes, sir.

Q. That is, what are you superintending?—A. I am superintendent of the Phoenix Indian School, which includes the main school and the sanitorium, 1 mile east of here.

Q. What is the extent of the grounds that the Government owns here?—A. Two hundred and forty acres.

Q. How much in the tract where the school is?—A. One hundred and sixty.

Q. How much in the other tract?—A. Eighty.

Q. What do you teach here in this school?—A. In the classroom we teach the common, ordinary branches to the eighth grade. Besides we teach various industries and trades, such as carpentry, wood-

working, blacksmithing, engineering, painting, plumbing, tinning, horseshoeing, harness making, printing, and more or less tailoring to the big boys. In addition to that we have farming, fruit raising, gardening, and dairying. And to the girls housekeeping, cooking, laundering, sewing, nursing, etc. Then we have other work in broom making.

Q. What are the ages of your pupils here?—A. They run from 12 to 21, although we have a few under 12.

Q. You have that for regulation?—A. The regulations provide that from 14 to 21. They permitted us to retain the smaller ones that we had, and we took in brothers and sisters of the small ones and others that did not have school accommodations near home.

Q. What is your average attendance?—A. It usually runs about 650 to 700.

Q. What is the period of your school year?—A. From about September 15 to June 20.

Q. What do they do in the meanwhile?—A. That seems to be our busiest time. There is always some place here. The industrial work goes on. We keep as few as we can get along with to carry on the dairying, etc.

Q. What places do they come from?—A. All over the southwest—New Mexico, California, Oregon, Washington, Oklahoma, Nevada, and a few from other States.

Q. Is there any fee to any of the pupils who come here?—A. None whatever.

Q. You receive no moneys from any source whatever except from the Government?—A. Yes. There is a provision that permits us to take in white people, but we have not done so. Some of the pupils have come to the sanitorium and paid their own way for transportation.

Q. What is done with that money?—A. Paid out for transportation.

Q. They pay nothing for treatment?—A. No, sir.

Q. Have you had any white children?—A. None, except occasionally the children of an employee have been allowed to enter school. That is only done for accommodation.

Q. Have you kept track of your boys and girls after leaving school?—A. As far as possible.

Q. What becomes of them?—A. Many go to the reservations, and others work in town and about the country on roads and farms.

Q. Do you notice what influence they have in the reservation where they return there?—A. The people in charge of the reservation speak highly of them, and they can speak better about that. From reports we think their influence is pretty good. In some cases they go wrong, but so far as we know not more than among other people.

Q. Can you tell what the cost of maintaining this school per capita is?—A. It runs from \$175 to \$180 or \$190 per capita a year, or an average of about \$167.

Q. Do you keep any track of it so that you could tell?—A. We know exactly what amount is expended. The appropriation is made on the basis of 700 pupils. If we fall short of 700 the per capita is higher, if we spend all of the appropriation.

Q. Do you expend any money here except the appropriations?—

A. Some proceeds of class three and four, such as the sale of articles manufactured here, the sale of stock raised here, miscellaneous money for especially made articles, the sale of young calves or cattle we wish to dispose of.

Q. Do you keep track and make report of what you produce here?—A. Yes, sir.

Q. Do you make estimate of the amount of value obtained from the marketing of your beef?—A. Yes, sir.

Q. Are some of the articles that are made by the Indians used in the institution?—A. A great many of the products of the farm are used here.

Q. Do you keep any track of them and make report?—A. We make a quarterly report on that.

Q. Is that taken into consideration when you make estimation of the expense of the institution?—A. No, sir.

Q. Has that amount, \$167 per capita, remained about the same from year to year?—A. Yes; as well as I remember.

Q. Have you increased the production in the meanwhile?—A. We have also increased the industries. If we are teaching and not simply running a factory the expense is less. The more shops and industries we have the more expense.

Q. You have a separate fund for the hospital, sanitarium, and for the school?—A. That was started as an experiment three or four years ago. The last two or three years we have had more or less from the medical fund.

Q. How much have you received this year from that fund?—A. We have two employees paid out of that. Some small amount for supplies, and some little money for building. Most of the support heretofore has been from other sources.

Q. How much have you received from other sources?—A. Dr. Broid can give you more definite information.

Q. Do you have any trouble in the discipline of your pupils?—A. Very little. We find them very easy people to manage.

Q. What particular trouble do you have when you do have trouble?—A. Some of the boys have a taste for whisky.

Q. Do they get it on the grounds and get under the influence of liquor?—A. We pick them up on the grounds and bring them in.

Q. What do you do with those cases?—A. We lock them up and punish them on the ground: confine them for a time: and give them hard labor.

Q. Is there any attempt made to punish the people who sell the liquor?—A. We have one of our employees as deputy special officer.

Q. Is he a capable and efficient man?—A. I consider him so.

Q. What success has he made with it?—A. He has had more success in keeping liquor away from them than in prosecuting cases. Mr. Ferguson is his name. In fact, every Federal court shows up a large number of cases. At the April term Judge Morrow, of San Francisco, said it was the largest number he had ever seen. There were something like 125.

Q. Does that show it to be on the increase or show the enforcement of the law better?—A. It shows enforcement of the law.

Q. Do you try the cases here in the State court?—A. No.

Q. All cases are brought in the Federal court?—A. Yes, sir.

Q. Do you find that satisfactory?—A. Yes; as a rule.

Q. Are you interested in any other business besides being superintendent of the school?—A. No, sir.

Q. Have you any interest here or hereabouts?—A. Yes, sir. I own some land in this valley.

Q. How did you acquire it?—A. Purchased it from different people; residents here.

Q. None of it Indian land?—A. No, sir.

Q. Is there anybody connected with the school interested with you in those land transactions?—A. In some of them; yes.

Q. How?—A. The disciplinarian is interested in one piece, and I think the carpenter has an interest in one of them.

Q. How much land do you own here?—A. We bought here a few years ago when land was jumping up. I should think I have 60 or 80 acres altogether.

Q. How much are you interested in with others?—A. There are 40 acres in which I own a half, and the other half belongs to a man in New Mexico. There is another piece in which I am one of six.

Q. How much in that?—A. Two hundred and forty acres. There is another one of 35 acres in which I am one of five; and small tracts like that. There is a piece of town property in which I have a one-fourth interest.

Q. Do you own it in a speculative way?—A. It was bought in a speculative way, but we found it necessary to rent it and try to develop some of it.

Q. Do you devote any time to that?—A. No, sir; except outside of Government hours.

Q. You take no active part in the management?—A. I have rented it.

Q. Are you farming any on your own account?—A. No, sir. I have a small fruit ranch which we bought last spring. Mrs. Goodman bought that and looks after it some.

Q. How many employees have you here?—A. About 65.

Q. You have a farmer here?—A. Yes, sir.

Q. What does he do?—A. The head farmer has charge of all agricultural industries, such as farming and stock raising. We also have a dairymen. We have a man looking after trees and shrubs.

Q. Do the Indians assist?—A. Each employee has a detail of Indians.

Q. Do you farm for the benefit of the institution?—A. Yes, sir.

Q. Do you have any boys here that you employ on your own land?—A. No, sir.

Q. None in which you are interested?—A. No, sir. I have occasionally given them a job on Saturdays, and occasionally had boys to work for me the same way that they do for others.

Q. Do you pay them?—A. Yes; 20 cents per hour.

Q. Is that the same as you pay outside help?—A. It is the same as they get anywhere else. It is the same that anyone else in the valley gets.

Q. What proportion of these boys and girls remain here in the summer?—A. No more than 100 or 150; sometimes less.

Q. What do they do?—A. About the same as they do the rest of the year, with the exception of the class-room work. They help on the farm, in the carpenter shop, at the power house, etc.

Q. Do you know personally about what the condition of the health of the Indians in this school is?—A. Yes; I have a pretty good idea.

Q. Are you personally familiar with all the branches of industry in this institution?—A. Yes; I have been and am. I am more familiar with some than others. The work is subdivided so that one is looking after one part and some another. I visit them frequently, especially with the shop work and industrial work for boys.

Q. What can you say with reference to the health condition here: is it satisfactory?—A. I think conditions here are very good.

Q. How are they as compared with when you came here?—A. Very much better. I have been paying especial attention to that feature for the several years past.

Q. What have you adopted since you came?—A. We built the hospital, sanatorium, and instituted special work for running the hospital and caring for trachoma cases. We have improved the bill of fare, given them better playgrounds and apparatus. We have looked after their clothing and sleeping quarters and given them larger sleeping rooms and more out-door sleeping porches.

Q. How does the attendance compare now with when you took charge?—A. About the same. We have not endeavored to increase it any.

Q. Do you have 700 here?—A. No; but we will have before the year is out.

Q. Is the attendance of the pupils compulsory after they once enter here?—A. Yes; very largely.

Q. Suppose a boy leaves, what authority have you for bringing him back?—A. We bring him back.

Q. Do you find you have the consent of the parents entirely?—A. Hardly.

Q. What per cent of the children here have living parents?—A. I could not say; but I think a large per cent.

Q. More than one-half?—A. Yes, sir.

Q. Do the pupils seem to take an interest in this work?—A. To a considerable extent.

Q. What amount did you say cooperated in health matters and attendance in the sanatorium?—A. Of course, they are quite ignorant in health matters.

Q. Are they willing that the children should come here to the sanatorium?—A. Yes, sir. They are not taken to the sanatorium without their consent. They have come for eye work from reservations 200 miles away.

Q. Have you had many deaths in the sanatorium since you have been here?—A. Very few. A few cases that came from a distance in an advanced stage. In the most hopeful cases they make an improvement which is remarkable.

Q. You are proposing to enlarge the sanatorium?—A. To accommodate 100.

Q. You can take how many now?—A. Seventy.

Q. Can you take care of 100 sick persons with the force you have?—A. I think so. We are asking for a teacher. Possibly we will want another Indian assistant.

Q. You do not turn pupils away if you find they have trachoma?—A. We keep them in the hospital and keep them there until they are over the acute stage at least.

Q. Is the treatment successful?—A. It seems to be. We keep them under observation a year, and until they seem to have fully recovered.

Q. You think the method of treatment quite satisfactory?—A. It seems to be.

Q. For the purpose of the record, what do you do with the sewage?—A. We have a septic tank into which it is pumped. After passing through the septic tank it is pumped out on the land and used for irrigation.

Q. Near by the school?—A. Just north.

Q. How close?—A. It comes down within a few rods of the dining room; I should say 20 rods of the dining room.

Q. Do you get any odor?—A. Not hardly, but if it is not carefully looked after we do. The ground has to be plowed frequently to keep down the odor.

Q. Do you use it for growing crops?—A. Yes, sir.

Q. Is it satisfactory to you?—A. It is not. Settlements are getting close to the school, and it is difficult to keep from having trouble with it. We have asked for an appropriation for a sewer. We had asked in a general way for \$10,000, but since going into the question we find that it will not be enough. Congress provided that \$500 might be used for surveying a line between here and the city for sewer for the purpose of making a report.

Q. Have you made the report?—A. No, sir.

Q. You expect to have it ready for December?—A. Yes, sir.

Q. Is the nearest point the city?—A. Yes, sir.

Q. How far away is it?—A. Three miles. It is about 3 miles to where we connect.

Q. You did not have anything to base that upon when you said you wanted \$10,000?—A. No, sir; it was a pure guess. It was done hurriedly, without any time. Every figure that I have received lately indicates that the cost will be about \$20,000.

Q. What have you done to get the correct estimation?—A. I have sent out requests for bids. In the meantime, one of the engineers made us an estimation for \$5,000 a mile, and \$500 extra for a manhole for a 12-inch sewer, and the distance is a little over 3 miles the way we would have to go. It is probable that we will have to build a larger sewer than that, which would cost us more than that. I think \$20,000 would be about the cost.

Q. Is there a fall from here to the city?—A. It is a gradual slope.

Q. Have you a right of way along the street?—A. We have no right of way, but will have to negotiate that. We go 2 miles before we come to the city.

Q. Did you estimate that in the \$20,000?—A. No, sir; we think we could go along the street-car right of way and the road that is being opened.

Q. Are you satisfied with your assistants that you have here?—A. In general, yes.

Q. Are there any exceptions?—A. Well, some are not as strong as others; and I expect there are one or two that we would like to exchange for stronger ones.

Q. Are there any that you regard as inefficient or incompetent?—A. I would not put it that way. There are some not as competent or as strong as we ought to have.

Q. What department?—A. The dairyman is not as strong as he should be. The head matron, I fear, is not quite as strong as she ought to be.

Q. Is that the old lady we met first?—A. Yes, sir.

Q. What is her name?—A. Gather. She is a good woman with many fine qualities, but not strong physically or mentally perhaps.

Q. What are her duties?—A. She is supposed to have oversight of all domestic industries.

Q. What authority do you have over these people?—A. They work under my direction.

Q. Do you have anything to do with their appointment?—A. No, sir, very little. Sometimes the office asks if I want to recommend, and if I know of anyone in the service that is capable I recommend them.

Q. Have you called the attention of the department to these people who you think are lacking in efficiency?—A. In my semiannual report I have reported the dairyman. The matron has not been here six months. We exchanged with Carlisle. The old one went under protest. She was very competent, and we miss her very much.

Q. Did you make a protest against it yourself?—A. I told them that we did not wish that she go, and the office told me to do what I could to get her to go.

Q. You have not called the department's attention to the head matron?—A. I intend to. I wanted to see if things settled down there.

Q. Until they get the commissioner there settled?—A. Yes, sir.

Q. You report to him?—A. Yes, sir. We have been wondering who the new assistant would be.

Q. How much does the head matron get?—A. \$840 per annum.

Q. Do you expect to get the best kind of matron for \$840?—A. No; but we have had a mighty good matron for that salary. She is getting \$1,000 at Carlisle.

Q. Are the other employees satisfactory?—A. As a rule.

Q. Are there any others that are short of your ideal?—A. We have a clerk in the office that is learning. He is an Indian boy, and is doing as well as he can. I understand the inspectors said I ought to take an Indian and train him.

Q. Is he learning?—A. Yes. He is, personally, all right; but he makes too many mistakes, of course, at present. I think the office will realize that we are trying to train people well.

Q. Is he one of the boys here?—A. He comes from the Kaw Reservation.

Q. Any boys trained here on the reservation?—A. One of our graduates at Hampton wanted to come here and do some work.

Q. Do you think him competent?—A. I have not seen him. I believe he would be, however. Our assistant carpenter is competent. I could not get a white man anywhere better for the job.

Q. Are the boys and girls willing to work?—A. Just as much so as ordinary boys and girls.

Q. Are they of such a disposition that they can be made to take an apparent interest in the work?—A. They work, and after they reach the sixth grade they develop some ambition.

Q. How many go to the eighth grade?—A. Not more than 150 in 10 years.

Q. Beyond what grade do they fall off?—A. The bulk of the pupils below the fifth grade. They enroll for three years. Some enroll for five years. And there are some that have been here 10 years and are not beyond the fifth grade.

Q. Those that have been here 10 years, do they stay in school?—A. Yes, sir. They come from the Pima country.

Q. Are they defective in learning?—A. They had the language to learn, and then industrial work. Perhaps they did not start in young as they might, and find school work difficult.

Q. Have you a very large senior class?—A. About ten or a dozen.

Q. How many in the junior?—A. In the seventh-grade classes about 20 or 25.

Q. In the second year you have how many?—A. I should think 40 in the sixth grade.

Q. And all the rest in the first grade?—A. Fifth grade and down.

Q. You have what?—A. Just the common-school course.

Q. The last year is senior and the next junior?—A. Yes, sir.

Q. Do you have more boys than girls?—A. More boys. The Indians of the southwest, from which we principally draw, are more backward than other Indians in the country. I do not know that it is any more to our disadvantage if we take them lower and raise them fully as high in proportion to where we take them.

Q. Do you have any immorality in the school?—A. We do not know of any in the school. I know there would be if we were not active.

Q. How do you know that?—A. Because it is the nature of these Indians in the Southwest. Their ideals are not at all high until they have been to school.

Q. Do you see any improvement as their experience increases?—A. We think so.

Q. Do you get any assistance in attempting to enforce the rules of the school, especially in reference to morality?—A. Yes, sir.

Q. Do you have religious instructions here?—A. Yes, sir.

Q. What sects?—A. We have the pupils segregated. We have Roman Catholics, Mormons, and Protestants. The Protestants combine in union services.

Q. How are they divided as to numbers in those three classes?—A. Forty Mormons, something like 100 Catholics, and the rest are Protestants.

Q. Is Mormonism allowed to be taught here?—A. To those that come from Mormon families. They are allowed to select their religious instructors.

Q. Do they generally attend church?—A. It is compulsory. We have Sunday school in the morning with the Protestant children. The Mormons join with us in Sunday school. In the afternoon the pastors take turns preaching to the Mormon children. The Protestants meet outdoors and the others meet in the classrooms. Then, on Tuesday nights the different churches send representatives to instruct their own children. Most of the Protestants are Presbyterians.

Q. Are the teachers on friendly terms with the children?—A. Yes, sir.

Q. Any exceptions to that rule about liking them?—A. I do not know.

Q. Do they obey quite generally?—A. Yes; quite readily.

Q. Are the children allowed to select their courses?—A. There is just one course in the grammar school. When one gets to a trade or industry they have a certain amount of leeway. If they have a special choice we try to give them that, and help them select their choice.

Q. You make a study to find out whether a boy is fitted for a particular thing?—A. As far as I am able to. Some I am not able to know personally.

Q. Do any of the teachers do that?—A. That is the special work of the disciplinarian for the boys, and the matron for the girls.

Q. Does the disciplinarian have the confidence of your employees, generally, and of the children?—A. I think he does.

Q. Has he been here ever since you came?—A. He has been here 8 or 10 years. He was disciplinarian, and then I had him in the office for several years, and then he went back. Maj. Grinstead is an officer of the National Guard.

Q. How old is he?—A. In the thirties.

Q. Is he related to you?—A. No, sir.

Q. You have no other business outside of the land matter?—A. That is all.

Q. These lands that you owned or have an interest in: did you have any supervision over them before you purchased them?—A. I did not in any way.

Q. Had they ever been Indian lands?—A. No, sir.

By Representative BURKE:

Q. Would not the fact that Maj. Grinstead was interested with you in partnership in owning some land deter you in any way in supervising him in his position as disciplinarian in the school, if necessary for him to do so?—A. Absolutely none.

By Representative CARTER:

Q. How many employees did you say you had around the sanatorium?—A. We have a nurse, matron, cook, a laborer, and two Indian assistants. We have two Indian girls when it happens to be full.

Q. What do the Indian girls do?—A. One assists the cook and one the matron.

Q. Don't you have any assistant Indian girl nurses?—A. Not over there, except these two.

Q. You have a doctor?—A. We have a doctor here at the school.

Q. How many employees do you have at the hospital?—A. We have two nurses, a cook an Indian girl assistant, and then we detail Indian pupils learning nursing. The training for nurses is done at the hospital.

Q. Are the head nurses at the hospital trained nurses.—A. Yes, sir.

Q. Graduates of hospitals?—A. Yes, sir. The head nurse is also a graduate physician.

Q. How many Indian girls have been taking the nurses course?—A. I could not answer. We had six or eight last year. This year school is just beginning. Dr. Breid is taking special charge of that.

Q. Do you know how far they take them in the course?—A. Last year was the first year of systematic work, and so we have never completed a course yet.

By Representative BURKE:

Q. Can you give us an estimate as to the cost of the tuberculosis sanatorium and the entire equipment in connection therewith?—A. I could not say. Dr. Breid has special interest in that and can give the figures.

Q. I want to know if a central hospital were located at a point for treatment of tuberculosis; whether in your opinion Indians could be induced to go to it from a long distance, or would you think the local hospital for the treatment of tuberculosis best?—A. For a long while I have felt that there ought to be on every reservation of any size a hospital for the care of incurables, and still not be so far away from their people. I do feel that for hopeful cases there ought to be a sanatorium where climatic conditions are favorable. I do not believe a large one is as good as smaller ones.

Q. Do you think the Indians would consent to go some distance from their homes or reservations for treatment; afflicted with tuberculosis, as readily as if they could get treatment locally?—A. I do not think we could get them to go as readily, but from our experience here the younger ones are glad enough for a chance to come to Phoenix. They have come here from Oklahoma, South Dakota, and other places.

Q. Those are from the more progressive and educated Indians?—A. Yes; I suppose so. Several Haskell Indians have been returned for their health.

Q. The only money you have is that which is appropriated specifically for the school and the moneys received from the miscellaneous account you spoke of, and the payment of certain employees down at the hospital and the construction of some building?—A. Yes; and a small amount of supplies purchased. We have in addition transportation from the general fund.

Q. You base your estimate, in making your recommendation for appropriation, on \$167 per capita basis rather than upon the cost?—A. Yes, sir.

Q. And you do not take into consideration the value of the production?—A. Experience seems to prove that that is required in addition to the per capita appropriation in schools where we are attempting as many trades as we are here.

Q. Do you think that in these schools where they have a good deal in the way of production that the standard of living is higher than where they have not that?—A. Yes, sir.

By Representative CARTER:

Q. What are the limitations placed upon the Indians received in the hospital and school? Do you take them in directly from any tribe in the United States?—A. As far as I know we can take them. We do not endeavor to take very many from outside.

Q. Do you take children from the Five Civilized Tribes?—A. No, sir. I believe there will be.

Q. You can take them in your hospital?—A. I have gotten special permission to take some in the sanatorium.

Q. Do you have an athletic association?—A. We pay quite a little attention to athletics.

Q. Do you have football and baseball?—A. Yes, sir.

Q. Do you charge admission?—A. Yes, sir.

Q. What becomes of them?—A. They are taken up as miscellaneous receipts, class four. We take up the money under my bond, and spend it as proceeds of Indian labor.

Q. Do you have an athletic instructor?—A. Our band leader and the disciplinarian together are the coaches for the baseball teams.

Q. Teaching the band and the position of disciplinarian is their real work and the other is extra?—A. Yes, sir.

Q. Are they paid out of the amount you receive from the Government?—A. Yes, sir.

Q. Can you tell us anything about the amount of the receipts that come from athletics to your funds here?—A. No; but they are small. We have not many teams to play, and I do not suppose it is over \$400 per year.

Q. What is your idea for maintaining the sanatorium?—A. For the purpose of treating tuberculosis.

Q. Who knows the amount of products used on the farm and the amount disbursed?—A. We have the report in the office. I could find out.

Q. Who has charge of that?—A. Each department makes a report to the office.

Q. Take for instance the farm—who knows definitely the amount of products raised on that farm?—A. No, sir; I do not know.

Q. Who knows the amount and kind of products sold?—A. I could tell you by referring to the book in the office.

Q. Do you keep a book yourself?—A. Yes, sir.

Q. Who makes the actual sales?—A. Well, they are made by the employees in charge of the department.

Q. From the farm? Who would sell the hay?—A. Anybody in charge of that part of the work.

Q. Give his name?—A. Mr. Hammock.

Q. Is he accessible?—A. Yes, sir.

Q. You do not know yourself what is grown on the farm, and do not know what was sold?—A. But there is not anything sold without my knowing it.

Q. How do you know?—A. I believe it.

Q. Really don't know what is sold from that?—A. I do not.

Q. Can you tell me approximately what you received from the farm from the sale of products?—A. No, sir.

Q. Do you know how many cattle were sold?—A. There were some calves sold.

Q. Do you know what was received for them?—A. About \$20.50, I think.

Q. Do you try to teach stock raising to the pupils?—A. Yes, sir. We sold some hogs. I do not know the amount of the products that have been used.

Q. What other things have you sold?—A. Sold some cotton and brooms.

Q. Have you a broom factory?—A. We make brooms at certain times of the year. We have to get irregular labor to make brooms, and teach it to the pupils.

Q. Do you sell the brooms?—A. Yes, sir.

Q. How much have you sold?—A. The last brooms we sold were 10 dozen at \$5 per dozen, and before that we sold about half as many. That is all the brooms sold this year.

Q. Do you sell any hay?—A. No, sir; we buy.

Q. What are the principal products?—A. Alfalfa and grain hay.

Q. How much land do you farm all told?—A. We farm all of the land, except what is taken up by buildings; at least 200 acres.

Q. The principal products are hay and cotton. How many cows have you?—A. I should think 60 or 80; young stock and milch cows.

Q. How many have you now?—A. I do not know the number exactly.

Q. Do you know approximately?—A. Not any closer than that. I can get the figures at the office. I was out personally with a couple of the farmers a month or two ago and checked over the live stock myself, but have not endeavored to keep up with it.

Q. What duties do you perform yourself?—A. I have charge of the financial management of the institution and all expenditures.

Q. It is your duty to know what is being received and keep a record of what is being received and paid out?—A. Yes, sir.

Q. Do you have that record?—A. Yes, sir.

Q. Of course, you keep a record of all the stock received and all stock sold?—A. Yes, sir.

Q. And the amount received from them?—A. Yes, sir.

Q. Now, you say you are farming 200 acres and the principal crop is hay, and yet you have to buy hay?—A. I said we did not sell hay, but have to buy sometimes. We bought some last winter.

Q. Did you buy hay the season before?—A. Yes, sir.

Q. Is it a fact that you do not raise enough hay to supply the institution?—A. Yes, sir.

Q. How much do you have to buy, for instance last season?—A. I think 50 tons.

Q. How much did you raise last year?—A. I do not know, but think about 200 tons.

Q. You think you consumed approximately 250 tons last season?—A. I would not swear to a statement like that.

By Representative BURKE:

Q. Do I understand that if there is some hogs to be sold or young stock to be sold or any other product, that it is disposed of without consulting you?—A. They come to me and inquire what they shall do. I instruct them to get bids and make actual delivery.

Q. No person is authorized to make a sale without coming to you?—A. No, sir.

Q. If you have something to sell of any value, what is the custom, how do you obtain information as to the proper price?—A. We ask people interested in this neighborhood to bid on it.

Q. How do you ask them?—A. By typewritten request, personally, or over the 'phone.

Q. And you submit the form of notice that you issue, or invitation, of property that you want to sell?—A. Yes, sir.

By Senator TOWNSEND:

Q. Do you know whether any people interested in these lands purchased anything from this farm?—A. They certainly have not.

STATEMENT OF JACOB BREID, ASSISTANT SUPERINTENDENT OF PHOENIX SCHOOL.

Jacob Breid, first being duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. What is your name?—A. Jacob Breid.

Q. What position do you hold?—A. Assistant superintendent.

Q. What are your duties here as assistant superintendent?—A. My duties are to aid in the administrative work, and also to pay particular attention to the medical work; that is, the hospital work and the sanatorium.

Q. How are your duties defined?—A. By the superintendent.

Q. Is your position a statutory one or merely one of an employee?—

A. An employee.

Q. What has been your service prior to becoming assistant superintendent?—A. Supervisor of Indian school.

Q. For how long?—A. From October 2, 1911, to February 12, 1912.

Q. Had you seen other service in the Indian Bureau?—A. Yes, sir.

Q. What was it?—A. I was clerk in the Indian Office.

Q. How long?—A. Two years.

Q. Any other service in the Indian Bureau?—A. I might add I was in charge of the medical work at Washington, D. C. Previous to that as superintendent and physician of the Otoe Indian Reservation in Oklahoma.

Q. Taking up first your medical duties, tell what they are and how you perform them, as a rule?—A. My duties are administrative, in the first place; for instance, to see to the admission or rejection of patients to the sanatorium. I examine them and then pass upon the record of the case as submitted.

Q. What class of cases are entitled to admittance?—A. Early stages of tuberculosis.

Q. Any chronic cases?—A. Yes; chronic cases, but not far-advanced cases. Only those cases that we feel have a good chance of recovery.

Q. Tell us briefly exactly what is done when a patient seeks admission to the sanatorium.—A. First we require a case record in an application for admission, such as is prepared by the Indian Office, and which is a record of the exact physical condition of the patient.

Q. Who makes that record?—A. Some physician of the patient.

Q. Any physician who has had charge of the case?—A. Yes, sir.

Q. Who brings that to you?—A. It first goes to the superintendent or the man in charge of that particular patient; then that is forwarded here. I examine the records, and if I think it is a suitable case, then he is permitted to be sent to the sanatorium.

Q. Do you make a personal examination or take him on the basis of the record?—A. On the basis of the record.

Q. Do you make examination of them, or does some other physician do it in the sanatorium?—A. Up until the beginning of this year the regular school physician has done the work. Beginning with the present school year I will take medical as well as administrative work.

Q. You have a hospital in connection with the school. How is it operated and what is its use?—A. It is in charge of the resident school physician.

Q. Do you have anything to do with the admission of those pupils?—A. I am consulted, especially in the eye cases.

Q. If a pupil says he is sick, how does he get into the hospital?—A. He is sent down to the school physician and he examines him, unless the school physician happens to be absent; then I go to the hospital and examine patients.

Q. Do you know how many has entered for treatment of tuberculosis?—A. I would have to look to be certain, as the school physician kept it before.

Q. About how many?—A. With 107 patients admitted to the sanatorium, I believe 68 were pupils.

Q. Referring to others than to such so admitted to the sanatorium; how do they get admitted?—A. As I explained a while ago. I was referring to general admission.

Q. How does a pupil get down there from school?—A. Upon the recommendation of the physician or myself. One of us will examine him.

Q. So you have approximately 68 sent down last year?—A. Yes, sir.

Q. Out of a total of something like 600?—A. Yes, sir.

Q. Sixty-eight were required to take treatment for tuberculosis?—A. Yes, sir.

Q. That is about 10 per cent or a little over?—A. About 8 or 8½ per cent. Approximately 8½ per cent of the 700 pupils are admitted to the sanatorium. A number of those cases come to school to go to the sanatorium. The sanatorium is a part of the school. They were tubercular and admitted simply for the purpose of getting treatment instead of going to school.

Q. Do you know what percentage of pupils that went to the sanatorium from the school were returned to school, if any?—A. I think near 60 per cent. I would not be sure. Sixty-three per cent of the people who went out were cured.

Q. No danger of infecting other pupils?—A. Yes, sir.

Q. You would not let them come back in school if there was danger from infection, would you?—A. Yes. We would not let pupils go back if there was any active processes there. We would not let a pupil go back if he was not ready to take up work.

Q. With reference to trachoma, do you have much of that?—A. About 18 per cent of the pupils of the 700 enrolled in the school.

Q. You do not reject any on account of trachoma?—A. No, sir.

Q. Your idea is that by proper treatment they can be probably cured without danger of spreading the disease?—A. Yes, sir.

Q. What has been your observation of the treatment here furnished for the treatment of trachoma?—A. It is not difficult to treat.

Q. Is it difficult to cure?—A. It requires a long time to cure.

Q. What treatment do you give?—A. In the first stage with a patient, the first thing to do is to treat his eyes until all acute inflammatory symptoms have disappeared. We press out the follicles by forceps or compression treatment.

Q. About what percentage require the forceps treatment?—A. A half of all the trachoma cases; more than that. We use it on all. First we use the compression, as that hastens the treatment.

Q. What is a follicle?—A. A little gland in the lid that secretes a fluid.

Q. Is the disease caused by a germ?—A. We think so. It acts like a germ-produced disease. We have not definitely established that.

Q. Do you sometimes use a caustic wash?—A. We use the copper sulphate treatment.

Q. Do you know anything particular about tuberculosis?—A. If they have temperature we put them to bed and keep them in bed until their temperature has subsided; then, the only treatment is rest. All patients have to rest. And the food is carefully looked after. They get a wholesome diet. If a person is coughing we give him a little sedative to ease him a little. If they have pain we treat them. We use some tonic.

Q. Have you found any trachoma cases here that you have not been able to handle?—A. No, sir.

Q. So far as the pupils' trachoma is concerned, that is controlled to your satisfaction?—A. Yes, sir.

Q. Passing to tuberculosis, have you had many cases of that that you have found hopeless here?—A. Not very many; no, sir.

Q. Could you say about how many during a single season?—A. About four or five.

Q. What do you do with the hopeless cases when you discover such?—A. If we have a place to send them where they will get cured, we send them there, and we keep them until they die.

Q. Then, the primary purpose of the sanitarium is for cases that are curable?—A. Yes, sir. For illustration, the boy who was sent up from here to Prescott. His condition was such that we had to send him to Prescott.

Q. What is the cost of this sanitarium per annum? We are particularly interested in that, and we are specially charged with investigating that.—A. I could not answer that without first going over it very carefully. The sanitarium has been running as part of the school.

Q. The superintendent said you would be able to give us that information. It has been suggested that a tuberculosis sanitarium for the treatment of Indians be established in New Mexico. It has also been suggested that camp hospitals be established on the various reservations. Would it, in your opinion, at this time, taking into consideration your familiarity with Indians of the United States, and through this section especially, be desirable to establish a central sanitarium for the treatment of tuberculosis? Would Indians avail themselves of it and the accommodations there afforded? Would it prove sufficiently successful to warrant the expenditure at this time?—A. You refer to estimation of one general hospital for the whole service? I doubt the reasonableness of it.

Q. Would it be practicable, in your judgment, to establish camp hospitals on the various reservations?—A. Yes, sir.

Q. Why do you say that would be practicable?—A. For the reason that it is difficult to induce many of the Indians who are most in

need of treatment to leave the reservation for hospitals at a distance.

Q. We have some evidence in various localities that the parents would object to sending or permitting them to go long distances. It seems that apparently few could receive treatment in the hospital. Going back to the proposed hospital, it is particularly desirable to know what it would cost to establish and maintain them so that they would afford reasonable opportunities to all who are afflicted, and so we would like to know what the cost is and it is costing to maintain this sanatorium here?—A. I was going to take the approximate amount we spent in addition to the regular school fund. I was going to say that we could maintain the sanitarium out there for \$220 per patient. It costs \$200 in the school.

Q. About how many patients treated at that plant?—A. About 65.

Q. What would it cost to establish and provide buildings and equipment?—A. The bungalows? I believe that when we have a complete plant for the 100 patients that the entire equipment will cost from \$28,000 to \$30,000.

Q. As a matter of fact, there is no reason why tents should not be used, is there?—A. You can not ventilate a tent. I do not think the are economical.

Q. As a matter of fact, sleeping porches are more desirable for patients?—A. Yes, sir. Our bungalows are practically tents with two beds.

Q. One hundred pupils would cost approximately \$30,000 for their treatment?—A. Yes, sir; in this country.

Q. What do your administrative duties consist of?—A. First, the handling of the applications for enrollment in school, and then the purchase of supplies for the hospital; the administration of the affairs in the school hospital, and then the management of the sanitarium and management of the employees.

Q. Do you have anything to do with the farm?—A. Nothing except the east farm. We have some pigs out on the east farm.

Q. What does it consist of?—A. Eighty acres. We have dairy cows, and then a garden.

Q. What is the area in that?—A. About 10 acres.

Q. How many employees have you?—A. Just one gardner to look after the farm. We detail others.

Q. How many pupils are detailed?—A. I think about eight; four in each half day.

Q. What did you grow last year?—A. I could not tell the amount without looking up the record. We grew melons, pumpkins, tomatoes, peas, beans, onions, beets, carrots, radishes, lettuce, cabbage, etc.

Q. Do all vegetables grow here?—A. Yes, sir; during the winter season.

Q. I suppose they are used in the school?—A. All of it.

Q. Have you sold anything from the garden?—A. Last year we sold some onions.

Q. Do you know whether you sold anything else this year?—A. I do not believe anything was sold.

Q. Do you keep a record?—A. No, sir.

Q. Who would make the sale?—A. The farmer and the gardner.

Q. You do not know of anything being sold this year?—A. I do not know.

Q. The vegetables you have mentioned as being used in the school; is there any way of ascertaining the value of them?—A. I could get them from the record.

Q. How do you determine the current market value? A. We know what they would sell for.

Q. Who does that?—A. The gardener keeps a record of the amount sent in and then as to the price and value of that stuff.

Q. He fixes the value according to the market value?—A. Yes, sir. What he could sell it for. What anybody would have to pay for them.

Q. Did you buy any garden vegetables during last year?—A. Nothing except fruit.

Q. Did you raise enough vegetables to supply the entire school?—A. Yes, sir.

Q. Before cost estimates are presented, the entire vegetables of the farm are not counted into the maintenance?—A. No, sir.

Q. Something was said about you having jurisdiction of the pigs. Do you raise hogs here?—A. Yes, sir.

Q. Where?—A. At the east farm.

Q. How many hogs did you raise last year?—A. I could not tell without the record. We keep a record.

Q. Did you sell any hogs?—A. We slaughtered them for subsistence. We sold a few for breeding purposes.

Q. Did not sell any meat?—A. No, sir.

Q. Did you raise enough meat?—A. No, sir.

Q. Could you do that?—A. No, sir; not with the land we have.

Q. Do you have anything else to do with the farm or dairy business about the school?—A. I look after it sometimes in a general way.

Q. Do you know how many cattle you have now?—A. I do not know.

Q. Who has charge of that?—A. The dairyman, Mr. Francis.

Q. Did you sell any cattle last year?—A. We sold some calves.

Q. How many?—A. Twenty-five head.

Q. Did you sell them for beef or for breeding purposes?—A. Some of them for breeding and others were sold for beef.

Q. Did you keep a record of to whom sold?—A. Yes, sir. The voucher in the office will show that.

Q. Do you keep a book account, or how is it kept?—A. Mr. Goodman keeps account of that.

Q. You do not take any instruction work, except such as has to do with medical work?—A. Yes, sir; we have that. I do not do any regular instruction work.

By Senator TOWNSEND:

Q. Do you teach hygiene?—A. Yes, sir; it is taught once a week.

Q. How do you teach them?—A. Lecture to them. Last year I had hygiene and sanitation, and the other physician, Dr. Marden, had emergencies, or first aid, and then the smaller remedies.

Q. Are the pupils inclined to follow your instructions in reference to hygiene?—A. Yes, sir.

Q. You can see them profit by the instructions?—A. Yes, sir; there is a wonderful improvement.

Q. Do they realize the importance of cleanliness?—A. Yes, sir.

Q. You devote all of your time to the school?—A. To the school and sanatorium.

Q. Does Mr. Goodman devote all his time here?—A. Yes, sir; so far as I know.

Q. Have you been interested in any property up here?—A. I have not.

Q. Have you been interested with anybody who has purchased anything from the institution?—A. I have not.

By Representative CARTER:

Q. How many employees have you at your hospital?—A. We have two nurses, cook, physician, and assistants.

Q. You have another physician in addition to yourself?—A. Yes, sir.

Q. Do the girls assist any at that institution?—A. Yes, sir.

Q. In what way do they assist?—A. They aid in the treatment of all the cases, dressing wounds, aid in the treatment of trachoma, and assist in operations.

Q. They act in the capacity of student nurses?—A. Yes, sir.

Q. How long do you require a girl to take that course at the hospital?—A. We have never established a definite course, but we have tried to keep them for at least two years.

Q. And in two years' time about what proportion of the instructions to a trained nurse do they get? You keep them two years. What portion of the trained nurse's course do they get in two years? How far do you carry them toward the completion of a trained nurse's course in the two years you have them in the hospital?—A. I could not answer it definitely, because we have not outlined a course of instruction on the same basis that the course for trained nurses is outlined. For instance, anatomy we could not give here. The simple nurse's work is what we give; a practical nurse instead of a trained nurse; things practical nurses would know.

Q. How long would they have to go to a hospital for nurses, after leaving your institution, until they became finished trained nurses?—A. That would depend upon the hospital. If they got credit they would get a year's credit. They might not want to give any credit and require them to take the entire course.

Q. They are entitled to a year's credit on a trained nurse's course, you think?—A. That would depend more upon the hospital.

Q. Do you make any attempt to try to equip nurses here so that they can go and finish a course?—A. That has not been done so far. It might be a good plan. We started out with that in mind, but we found that just at this time the girls are not very willing to take up the line unless they are paid for it. That is the reply that came back from some.

Q. I want to ask your opinion: While you are giving instructions as practical nurses, would it also be advisable to try to give to them so much of the course as a trained nurse as would be of benefit if they intended to complete the course?—A. Yes, sir. Mr. Thacker called my attention to the vegetables. We can not raise all the vegetables.

By the CHAIRMAN:

Q. What is it that you can not raise to supply the school with vegetables?—A. This year we bought some potatoes, and paid about

2 cents per pound for them, and some at \$1.80 per bushel. We use from 1,800 to 2,000 bushels.

Q. How did you purchase them?—A. The school purchased them from local merchants.

Q. Who does the purchasing?—A. The superintendent directs the chief clerk to make them.

Q. The chief clerk makes the purchases?—A. Yes, sir.

Q. What is the system with reference to making purchases?—A. We will request merchants in the city who handle potatoes to submit bids as to what they will furnish us so many potatoes for delivered.

Q. Are the bids sealed?—A. No, sir.

Q. As a matter of fact, they usually submit the same price?—A. Quite a little difference, and we purchase one time from one individual and another time from another individual. I only gave the estimated price.

Q. What other supplies are necessary for the school to buy?—A. We purchase eggs and fruit.

Q. Are they bought the same way by the clerk?—A. Yes, sir.

Q. As a matter of fact, I presume the superintendent does not do anything in connection with that?—A. It is handled by the clerk through his direction.

Q. What direction does he give?—A. He usually approves the purchase.

Q. Who determines when purchases are necessary?—A. It is first reported by the man who handles the property, Mr. Hardy.

Q. What is he called?—A. The property clerk.

Q. How many girls in the office?—A. We have four.

Q. Do you know their official designations?—A. We have a chief clerk, property clerk, and then two assistant clerks.

Q. What are the duties of this property clerk?—A. He keeps the property.

Q. He is the man who knows what property goes in and what is issued?—A. Yes; he knows when the supply of potatoes is about exhausted.

Q. Who does he report to?—A. The chief clerk. He may report to me or the superintendent.

Q. What is his name?—A. Mr. Hardy.

Q. What is the name of the two assistant girls?—A. One position is vacant at the present time, and the other is filled by Bess M. White.

Q. What is the name of the chief clerk?—A. William J. Oliver.

Q. How long has he been here; do you know?—A. About two years the 1st of December.

Q. How long has Mr. Hardy been here?—A. About a year, I think. He has not been here very long.

By Representative BURKE:

Q. Is there anything being purchased in connection with this school through the warehouse that could be purchased at less cost if purchased openly and through the local market, in your opinion?—A. I do not believe so.

Q. Have you been doing some building here?—A. Yes, sir.

Q. Has that been contract work?—A. Open-market work.

Q. What is your observation as to whether to do it in the open market or by contract?—A. It is cheaper to do it in the open market.

Q. To what extent, if any, are employees in connection with this school furnished with any of the products from the farm without cost?—A. Nothing that I know of.

Q. If they get any vegetables they have to pay for them the same as if they bought from somebody else?—A. So far as I know.

Q. The entire product of the farm is used exclusively in the maintenance of the school except such as may be sold?—A. Yes, sir.

Q. The employees, I believe, have the privilege of purchasing from the Government supplies at cost, don't they?—A. That is the rule, but there is nothing purchased here with the exception of ice.

Q. They prefer to buy in the stores?—A. Yes, sir. These regulations were made for the purpose of aiding people distant from markets.

STATEMENT OF THEODORE F. MOORE.

Theodore F. Moore, first being duly sworn by the chairman, testified as follows:

By Representative BURKE:

Q. Are you connected with the Phoenix School?—A. I am.

Q. In what capacity?—A. I have had charge of the wagon shop, and at times I have had charge of the wagon and blacksmith shop.

Q. How long have you been here?—A. Three years ago last May.

Q. What is your trade?—A. I took the examination for instructor in wagon making and to teach the Indians how to make wagons.

Q. In addition to your duties as wagonmaker you have previously had charge of the blacksmith shop?—A. Yes, sir.

Q. Tell us briefly what you do over there?—A. I have had charge of the blacksmith shop since coming from my vacation. We do farm work and keep farm machinery in repair. We are building all the farm wagons used. Last year we built a buggy and a spring wagon for use on the farm, and we have done some work for the southern Papagoes.

Q. Do you build wagons complete?—A. Yes, sir.

Q. I believe you pointed out the farm wagon to me that had been built?—A. Yes, sir. We do not make spokes or hubs.

Q. You do practically all of the repairing that is necessary to be done in connection with the farm?—A. Yes, sir.

Q. When you do any work what is your system in keeping account of it so you know the value of it?—A. Well, we have a weekly report that is turned in every week.

Q. By who is that report kept before it is turned in?—A. We have blanks to fill out.

Q. What do you put on those blanks?—A. The number of half days the boys work, the cost of material, if any, and what the job will be worth in civil life.

Q. That is based upon the charge if the repairing was done in a shop?—A. Yes, sir. The boys get no credit for practice work.

Q. So far as you know that is the system followed in all other industrial departments?—A. I see they report the balance, but am not in a position to know what they do in others.

Q. How many boys are detailed under you?—A. There are seven during the day in the wood shop, and I think eight or nine in the blacksmith shop.

Q. Do they remain in the shop until they have mastered the trade, or do you change detail?—A. Well, in the blacksmith shop there is one boy absent. The rest of them were already in there last year. We have one new boy. In my room upstairs there is all of last year's. There has been no change in the detail upstairs this year except one boy that will be here next week.

Q. The boys you have this year are the same as last year?—A. Same; except some new ones.

Q. What are their ages?—A. Sixteen or seventeen years old.

Q. Do they keep up their academic work?—A. Yes, sir.

Q. How is the time divided?—A. Well, they go to school a half day, and I have them for a half day. At the end of the month it is reversed.

Q. You have it so you had work during the whole day?—A. Yes, sir.

By Senator TOWNSEND:

Q. Do they take hold of the work very nicely?—A. They do, as I found boys in civil life; and I think, as a rule, better. I have handled white boys.

Q. You think they intend to follow wagon making, for instance, as a business when they go out of here?—A. Yes, sir. We have boys who expect to go back and make wagons.

Q. Have any boys gone out and gone into business?—A. There has been no boys in my department finished, because the first boys left at the end of the first year. That would be only two years' experience.

STATEMENT OF LEE CROSS HARDY.

LEE CROSS HARDY, first, being duly sworn by the Chairman, testified as follows:

By the CHAIRMAN:

Q. You are one of the clerks in the office?—A. Yes, sir.

Q. You are the property man?—A. Yes, sir.

Q. What are your duties?—A. Issue and make quarterly reports.

Q. Are you required to keep account of property owned by the school?—A. Yes, sir.

Q. The school owns some live stock?—A. Yes, sir.

Q. How many cattle have you?—A. I have on the last report 139.

Q. How many have you? Have any died or been disposed of?—A. We make the report quarterly.

Q. How many purchased since then?—A. About 22, I believe.

Q. Can you tell how many?—A. I would not say for sure. I can tell by looking at my report.

Q. Do you keep a book?—A. I do. I keep no other record except this [indicating]. I handed you the only record of property I keep, which is a record of property kept by the Phoenix School.

Q. I have asked you a question that you could not answer. In the meantime tell me how many cattle you have now? No; I want

you to refer to the book you use, or book from which you obtain the information.—A. The only way I can answer that is by the report made up June 30, 1913. The next book is not made up until September 30. We are working on that now.

Q. What other records have you to show what property is bought and disposed of in the meantime?—A. We have our vouchers.

Q. Suppose you sold all the cattle?—A. It is shown by the vouchers.

Q. Don't you make any entries?—A. We make entries at the end of the quarter.

Q. Show me how many cattle you have on hand now?—A. Starting in here we have 3 bulls, 40 cows and 95 cows, and 1 heifer. That consists of all our cattle. Total, 139. That shows it at the close of last quarter, June 30, 1913.

Q. How many have you got on hand to-day?—A. I will have to figure it up.

Q. Did you have more or less than you have now?—A. Less.

Q. How many less?—A. I could not say approximately.

Q. How long would it take you to find out?—A. It would not take a great while.

Q. What have you got on hand now? How many have you sold since you made the report?—A. We have sold 20 cows. Some died. We get that at the end of the quarter.

Q. Who reports it? How do you find out when a cow dies?—A. The farmer makes the report.

Q. You rely on his statement of how many cows die?—A. We take two witnesses' evidence.

Q. What witnesses do you take?—A. Two employees that saw the cattle die and saw them after death.

Q. How many cattle died since the last report?—A. I do not know. I can find out.

Q. Have you got record in connection with all cattle since last quarter? Get that and the affidavits of the witnesses you refer to.—A. The cattle that died last quarter there has no report been made.

Q. Who gets these affidavits? Whose duty is it to get them?—A. It is my duty.

Q. Why don't you take the affidavits when the cow dies? Why do you wait until the end of the quarter?—A. That is the custom.

Q. You could not tell now without going and discussing it with the laborers what cattle and how many died?—A. I could not.

Q. Why is he not required to report immediately, and why is no record kept?—A. It is a better way.

Q. How many hogs have you on the farm?—A. We have 103 on hand.

Q. Where did you get that?—A. That is the farmer's quarterly report.

Q. When was it made?—A. It was made October 1 of this year.

Q. Do you know how many you had on hand last report or how many disposed of since the last report?—A. The last quarter showed 86 hogs, 19 pigs, and 1 boar.

Q. Are the pigs included in this last report when you reported 103?—A. Yes, sir.

Q. How many pigs were there in the last report on October 1?—A. It does not show pigs on hand.

Q. As a matter of fact you do not know anything about the property except what the farmer tells you?—A. I could not know a great deal more and tend to my work.

Q. What else do you do besides keep these records?—A. Issue property and receive it, and accomplish bills of lading.

Q. When property is sold, how do you keep the property? You issue property. Tell me, if 20 cows were sold to-morrow, what would you have to do with it?—A. My duties would be to drop them on abstract F.

Q. Who makes actual sales of the property?—A. The authorities at Washington, and then the superintendent.

Q. The superintendent makes sales himself?—A. Well, he sees whether to make it.

Q. Who actually does the selling?—A. The farmer and dairyman.

Q. You have said that the superintendent sees: what does he do?—A. Oversees it and sees that the sales are made correctly and the money received.

Q. How do you get your information as to what property is sold?—A. Get it from the sales voucher.

Q. Where do you get the voucher?—A. I get that from the cash voucher turned over by the chief clerk. The chief clerk handles all cash.

Q. I want to know how do you know the number of cattle sold and the amount sold, and whether you have any means of verifying them?—A. No, sir.

Q. You simply know what they tell you to enter?—A. Yes, sir.

Q. The chief clerk does not make the sales himself?—A. No, sir.

Q. Do you know how many cattle were sold during that last quarter?—A. Well, I could not say, offhand.

Q. Can you tell me from the record?—A. I could look up the different property rolls and tell you.

Q. What record do you keep of property sold? Who keeps the record?—A. I expend it on my abstract F.

Q. Tell me how many cattle were sold last year and what that consisted of? Do you know of anybody that could give me that information?—A. Not offhand. Yes; I believe it can be given.

Q. Who can do it?—A. Mr. Oliver. I could by looking up the records.

Q. State what records you keep; how you designate them, and give all the records you keep?—A. I keep records of all the property.

Q. What are they?—A. Records of receiving the property and expending the property issued; and the property manufactured here by taking that up.

Q. Does anybody else keep a record of the property bought and sold?—A. Yes, sir. That is kept by the chief clerk.

Q. What is the object of having two men keep that?—A. He keeps the sales of that. He handles the cash. My record is merely taking up anything that is brought to me.

Q. What do you mean?—A. Putting it on the property rolls.

Q. You take it off when it goes out?—A. Yes, sir.

Q. How many hogs were sold last year?—A. I do not know.

Q. Can you tell me how many horses and mules belong to the school?—A. Yes, sir; 3 colts, 7 horses, 12 mares, 15 mules, and 2 ponies.

Q. How many were sold last year?—A. I could not tell without looking.

Q. How many were sold during that quarter?—A. I don't think any were sold. One horse died of injuries.

Q. How many cattle were sold during that quarter?—A. No cattle sold.

Q. How many were killed or slaughtered during that quarter?—A. There was none killed for slaughter. Nine calves died. Our meat was bought under contract.

Q. Nine calves died during that quarter? How many have you in all?—A. We had 49. There was 18 born and we had 31 the year previous to that, which made 49, and 9 died leaving 40.

Q. How many cattle died during that quarter?—A. It does not show any cattle died.

Q. How many cattle slaughtered?—A. None.

Q. That document you testified from is your property report of property disposed of and retained?—A. Yes, sir.

Q. What quarter?—A. Fourth quarter, 1913.

Q. You had on hand at the end of that quarter how many hogs?—A. We had 1 boar, 86 hogs, and 19 pigs.

Q. How many hogs were slaughtered during that quarter?—A. There was three hogs slaughtered.

Q. How many sold?—A. None.

Q. Just to illustrate your system, suppose the laborer in charge of the stock should take a mule to town and then at the end of three months report to you as dead?—A. He would come in and swear to it with two witnesses, and they would perjure themselves.

Q. If he were to do that your system is such that there would be no way of finding that he did it. You simply keep a report?—A. Yes, sir.

Q. You have no means, so far as you are concerned, of telling the property disposed of during the quarter until the end of the quarter?—A. Yes; at the end of the quarter.

Q. You get your information from the chief clerk?—A. Yes, sir.

Q. And from no other source?—A. Well, his vouchers are handed to me.

Q. Is that the only source?—A. Yes, sir.

Q. If you do not get a voucher showing disposition of property you make no entry?—A. I do not.

Q. Who makes voucher for cattle dead?—A. I make it.

Q. How do you know if you do not see them?—A. I take two witnesses' affidavits, with the superintendent farmer.

Q. Suppose to-morrow you were making up your report and wanted to keep your record right, how would you get the information?—A. Well, to get true information I would have to go and see them.

Q. You never do that?—A. No, sir.

Q. Your report may be entirely wrong; you have to rely on statements of others?—A. Yes, sir.

Q. How is a credit made on that record for property that is dead?—A. It is expended on a voucher and dropped from the general property roll.

Q. Do you do that?—A. I do that.

Q. What permits you to do it?—A. I call for a report at the end of the quarter from the different departments.

Q. Do they make written or verbal reports?—A. Written.

Q. They make a written report; not on a form blank?—A. Yes, sir.

Q. When it shows hogs killed, what proof do you take of that?—A. I take the statement of the farmer for it.

Q. When it shows hogs dead, you take his statement for it?—A. Yes, sir.

When it shows hogs sold, does the statement show?—A. The voucher statement of the chief clerk from the superintendent.

Q. Asking authority from whom?—A. The Commissioner of Indian Affairs. That authority is the number of the authority and the date of it is written in the voucher to show whereby we got our authority to make the sale.

By Senator TOWNSEND:

Q. How long have you been with the service?—A. Since February 11, 1913.

Q. Had any experience before that?—A. No, sir.

Q. What have you been prior to that?—A. With the railroad company; telegraph operator.

Q. What State are you from?—A. Oklahoma.

Q. You are not an Indian?—A. Yes, sir.

Q. What blood?—A. Kaw, Kansas.

Q. Full-blood Indian?—A. No, sir.

Q. What part?—A. About one-sixteenth.

Q. What salary do you get?—A. \$780 a year.

Q. You never had any training for this particular kind of work?—A. Not exactly for property clerk. I have held a clerical position.

Q. Are you under civil service?—A. Yes, sir.

Q. Where did you take the examination?—A. San Diego, Cal.

Q. How long ago?—A. About two years ago.

Q. Did you take an examination in bookkeeping?—A. No, sir.

Q. They did not ask you anything about that in the examination?—A. Not at this work.

Q. Had you had bookkeeping of any kind?—A. Yes, sir. I had worked for several different firms. I had quite a bit of bookkeeping for the railroad.

Q. What railroad?—A. Denver, Enid & Gulf. I was depot cashier.

By Representative CARTER:

Q. You make your report up from written vouchers?—A. Yes, sir.

Q. Completely?—A. Yes, sir.

Q. The chairman went into great detail to find out how got this information. At least I do not understand. Can you tell us specifically the information from which you make up your report as to the cattle or property sold, as to the property that has died, and as to the property bought? You must have some information that you

get before you specify the property. Now, then, tell us what specific information in writing is conveyed to you to show you about a cow that is sold.—A. When we sell a cow we require a man to sign a voucher.

Q. Who is the man?—A. The man who purchases the cow signs a cash voucher.

Q. Where do you get it?—A. From the chief clerk, and that is made as money received and goes into his cash. The cow has to be dropped from the property roll.

Q. What is the procedure when you buy a cow?—A. When a cow is bought we also have a voucher.

Q. How do you get a voucher when a cow is bought, and how do you get that information?—A. We get it practically the same way.

Q. Who signs the voucher when a cow is bought? How do you get this information?—A. The man that sells the cow signs the voucher, showing that he sold the cow and received the money for it. That is taken up as cash and turned in, and I add one cow to my property roll.

Q. Make the same explanation about a cow that dies and how the information reaches you.—A. At the end of the quarter I call on the superintendent farmer for a report on cattle that have died and those that have been born. He makes me a report. If any have died, he and another witness have to swear that the cattle died of the disease he states.

Q. That goes direct to you?—A. Yes; that comes to me. That is dropped then on abstract F and upon the general property roll.

Q. Is this the first official information you get that a cow has died?—A. Yes, sir.

Q. And your records are confined completely to these reports which you have mentioned?—A. Yes, sir.

By Representative BURKE:

Q. You are a clerk in the office?—A. Yes, sir.

Q. You are not charged with any responsibility?—A. No, sir.

Q. You simply make the entries that are turned in by the heads of the different departments?—A. Yes, sir.

Q. And the only way that the report can be verified is by an actual inventory of the stock, and that is not a part of your duty?—A. Yes: that inventory is taken every quarter.

Q. Who takes that inventory?—A. The superintendent and I.

Q. How do you take it?—A. We go around the farm and through the commissary and count the stuff.

Q. You have made a statement of the number of cattle, hogs, and horses belonging to the school at the end of the fiscal year June 30, 1913, and you have referred to a report showing the number of different kinds of stock. Now, did you and Mr. Goodman go personally and verify those figures?—A. Yes, sir.

Q. How?—A. By counting them. Last quarter Mr. Goodman and Mr. Wade counted the stock.

Q. Who is responsible to the Government for that property? Who is a responsible officer?—A. The superintendent.

By the CHAIRMAN:

Q. It is your duty to personally inspect each quarter?—A. I did.

Q. Why did you not do it then? Don't you know why you did not do it then? You say now your duty is to go and see it; why did not you do it? Why did you rely on Mr. Wade to do it?—A. They got around before I did.

Q. You relied on Mr. Wade to do your work?—A. I relied on Mr. Wade and Mr. Goodman.

By Representative BURKE:

Q. You took orders from Mr. Goodman?—A. Yes, sir.

Q. Why did you not do it June 30?—A. Yes; that is my duty.

Q. Why did you not do it?—A. Well, I was intending to do it, but they got to it first.

By the CHAIRMAN:

Q. Who is Mr. Wade?—A. Gardener. He was substituted as farmer.

Q. When will you get your reports made up for the quarter ending September 30?—A. About the 1st of November.

STATEMENT OF WILLIAM J. OLIVER, CHIEF CLERK, PHOENIX SCHOOL.

WILLIAM J. OLIVER, first being duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. Are you the chief clerk here at the school?—A. Yes, sir.

Q. How long?—A. Since a year ago last January.

Q. As chief clerk what records do you keep?—A. Cash records of the school.

Q. Any others?—A. Yes; that which is handed to me. If a hide is sold I have the report from the dairyman, or anything else sold.

Q. If anything is sold they hand you the report. Do you make an entry?—A. I keep the report they give me on file.

Q. You make a summary of the property received and disposed of? Do you have anything to do with that, or are your transactions limited to the cash?—A. Largely cash, although I have to do with the property in that way. I have always assisted in making up our sales vouchers, including all sales made.

Q. Who makes the sale when property is sold belonging to the school?—A. Usually the farmer or dairyman under instructions of the superintendent.

Q. You don't make any sales?—A. No, sir.

Q. What course of procedure, if you know, is followed when property is to be sold?—A. The superintendent will give instructions to some person to find a buyer, and they get bids. For instance where there is a sale of calves we get a number of bids from different parties what they would give for the calves, and then they are sold to the highest bidder.

Q. Is there any permanent record kept of the property disposed of and amount received from it?—A. Not until the end of the quarter.

Q. What record is kept then?—A. The regular property record.

Q. Suppose that on the first day of the quarter 20 calves are sold, tell me what course the transaction takes.—A. We petition for bids.

and they would be secured and the sale made and the record made on the form of voucher by the man to whom sold, and the party purchasing signs his name to the amount paid, and this is one of the papers that accompanies the property roll.

Q. That goes then to the property roll and then to Washington?—A. Yes, sir.

Q. Entry would not be made until the end of the quarter?—A. No, sir.

Q. The entry is not made in the book until after the end of the quarter?—A. No record is kept on this in the office.

Q. Can you tell how many cattle were sold last year?—A. No, sir. I could find out.

Q. It is not your duty to keep anything about it?—A. No, sir.

Q. What are your duties in connection with the sales of property?—A. I am required to get these vouchers signed, and in the case of buying any property I have to make the voucher and draw the check to pay the party.

Q. Who signs the check?—A. The superintendent.

Q. Take the case of 100 head of cattle where calves are being calved right along regularly and others being disposed of occasionally, as that is permitted or required, don't it occur to you that you have a rather careless way of keeping the records?—A. It does seem so.

Q. Don't it seem to you that there ought to be an entry made at the time the sale is made?—A. Yes, sir.

Q. Do the vouchers go into Washington?—A. That is the originals.

Q. The only record is a copy of the so-called property rolls, which seems to me like neither the superintendent, nor you, or anybody else could tell what had been done with it. If you had a dishonest employee you could not tell whether calves were disposed of or not. He could report them as dead and could sell and report new-born calves. I merely suggest it. Is that the regular system required by the department to be kept?—A. Yes, sir.

Q. The school is following the instructions of the department?—A. Yes, sir.

Q. Have you any other duties than you have outlined?—A. Yes; I have various things to tend to in connection with the cash. If something is to be purchased in the city, for instance, some merchandise purchased, I have to get up petition and bids for that and make the purchase, and then pay for the same by Government check drawn.

Q. You keep the records and draw checks, and the superintendent signs them?—A. Yes, sir.

By Senator TOWNSEND:

Q. Is that blank receipt for sales sent in to the department as soon as sales are made?—A. At the end of the quarter in which the sale is made.

Q. Is there any permission from the department necessary in order to make the sale?—A. Yes, sir.

Q. The superintendent gets permission from the department to sell that property?—A. Yes, sir; the stock.

Q. Do they fix any price at which it may be sold?—A. It is usually the highest obtainable market price.

Q. You obtain the highest local market price?—A. Yes, sir.

By Representative BURKE:

Q. What would happen if the present superintendent of this school was about to retire and his successor was on the ground about to enter upon his duties, as to the passing of a receipt between the outgoing superintendent and the superintendent coming in?—A. There would have to be a thorough inventory of all property, and that would be entered in one of these property rolls, and the way I have been accustomed to taking the receipt is on each book page of the property roll specify the line on which it is entered.

Q. How would it be determined if it took place to-day, the 13th of October? Just what property would the outgoing superintendent be charged with?—A. There would have to be an inventory taken at the date he quit.

Q. Would he go and verify the inventory? Suppose there was no property to take an inventory of. How do you determine what the property is so as to ascertain what the superintendent has got to turn over to his successor?—A. The property roll is supposed to show.

Q. The property roll is dated June 30, 1913, and this is the 13th of October, 1913: what would actually happen if this took place?—A. All property that has been issued to this date would have to be entered and dropped from that roll.

Q. In other words, the report that is made every quarter would have to be made to October 13, 1913?—A. Yes, sir.

Q. Suppose some dishonest employee had sold some stock that he had reported as dead, who would be the loser, the Government or the superintendent who was going out of the office?—A. The superintendent, if he could not account for it.

Q. Is he a bonded officer?—A. Yes, sir.

By the CHAIRMAN:

Q. He might not be charged with all the property. Suppose new calves were being calved every day and not reported by the person charged with that duty, the record would be incorrect as to that particular kind of property; or suppose he sells five head of cattle and reports them as killed, when, as a matter of fact, he has sold them, the superintendent would be credited with it, because the record shows they were killed. There is nothing I see in the system to check a dishonest employee so as to prevent him from disposing of a considerable amount of property and appropriating the proceeds to his own use, and by falsely entering it up there is no record of it.

By Representative BURKE:

Q. Do I understand that if an animal died at this school on July 1, 1913, that there is no record until the end of the quarter?—A. There is a record.

Q. What is that record?—A. The dairyman has charge of the record. He makes a record when the death occurs, and then immediately hands in on a piece of paper the fact that the animal died.

By the CHAIRMAN:

Q. How does he get them?—A. They usually come to my desk.

Q. When are they turned over to the property clerk?—A. At the end of the quarter.

Q. They are kept in your possession until the end of the quarter?—

A. Yes, sir.

Q. Would it not be a better practice to turn it in to the property clerk as soon as you got it, in order that the record might show up to date?—A. If he were keeping any permanent record, I would say yes.

Q. Would it not be practical to keep a permanent record?—A. It would.

Q. In fact, nobody keeps a permanent record?—A. No.

C. W. GOODMAN—Recalled.

By the CHAIRMAN:

Q. What record is kept of the property belonging to the school that is sold?—A. In the first place not very much property is sold. What I said before about Mr. Hardy—Mr. Hardy has not learned all the things that are necessary to learn. He has several things to learn. I might further say the system is quite complete. I do not believe any one could come in here and get away with property without being caught.

Q. Explain what those checks are?—A. If an animal is sold we at once get a voucher signed by the person purchasing. If we buy the person who sells signs the voucher.

Q. Suppose a voucher is issued, what record have you?—A. We keep the voucher until the end of the quarter. The original is sent in and the retained copy is filed here. Anything that is kept as miscellaneous receipts, is entered in class four. If an animal is butchered, not only do we get a report from the farmer, but also from the kitchen where the meat is used. The meat has to be accounted for. A certain amount is allowed as beef. In every sale and in every purchase quite a number of people are concerned. Besides myself the chief clerk is perhaps able to know something about it. There is a great many people on the place concerned in the transaction.

Q. What property do you have to get specific authority to sell?—A. We have to get specific authority to sell stock and any special property condemned. Last quarter we sold two typewriters to the Underwood Typewriter Co. in Washington by authority from the Indian Office. The sales of the stuff manufactured at the school are sold under general authority.

Q. What happens when an animal dies?—A. As stated, the dairyman makes report to Mr. Oliver. Mr. Oliver, as stated, keeps the report on file until the end of the quarter. As a matter of fact a good property clerk will keep a record of all the property, and on that he will enter from week to week all changes, all issues, and all receipts, so that at any time he can tell from the card index what property is on hand. Mr. Hardy has not been able to get on to all these things. The large amount of correspondence, the large amount of dealing with Indians, that, together with a thousand other things, such as putting up the office; and altogether the clerks have been working day and night.

Q. Tell us about the animals that die?—A. That is reported and goes into the office.

Q. Who makes the report?—A. The dairyman; and Mr. Oliver says it comes to his desk. When he gets ready to make his affidavit up it is signed by the farmer or dairyman, or whoever knows that the stock died. Mr. Oliver swears them. It is entered by the property clerk.

Q. Is the hide taken from animals—taken from animals that die?—
A. Yes, sir; the hide is sold.

Q. Where is the receipt for hides entered?—A. Class 4, miscellaneous receipts, proceeds of the Indian money.

Q. What was the aggregate of miscellaneous receipts for the last fiscal year?—A. We have in our quarterly account current about \$1,000 for the fourth quarter, probably \$3,000 for the year.

Q. Don't you keep a permanent record showing these figures? What is the total amount received from miscellaneous items during the last fiscal year, class 4?—A. First quarter of 1913, including balance, \$55.90. Total, \$694.70, including moneys for class 4, class 1, and class 2.

Q. What was the total amount received during the same period from vegetables grown on the farm?—A. We did not sell any vegetables. We eat them.

Q. Did you not say this morning that you sold some?—A. Possibly. If so it would appear in this book here under miscellaneous items—sales of pigs, sales of ice, print shop, report of work in shop, sale of hides. Then, there was a fractional quarter, \$21.30. The quarter ending December 31, \$1,087.75. Sale of subsistence to Indians, sales of hides, report of work in shops, printing.

Q. What is the amount of sales of hides in September? When are those entries made?—A. At the close of the quarter.

Q. Why don't you enter them as soon as the sales are made? Suppose the item is lost?—A. I keep a personal memorandum.

Q. Why is it not practical to keep an official record?—A. It is.

Q. Why is it necessarily due, then, to the fact that you have not sufficient force? Did any department instruct you to choose any method of keeping the record?—A. We possibly choose our own method to that extent.

Q. When a sale is made you do not enter it until the end of the quarter. You merely keep a slip of paper in the nature of a voucher, showing the transaction?—A. We also have our abstract of disbursements from day to day, from which a copy is made at the end of the quarter, showing purchase of cattle.

Q. Does it show sales of cattle to other parties?—A. We have the correspondence as well as voucher.

Q. Why would it not be more permanent to show sales and disbursements, and what is the advantage of waiting until the end of the quarter? You have to make them on the disbursements?—A. It seems a better way.

Q. You are duplicating work?—A. There has to be one.

Q. What are your instructions about it?—A. The instructions are to do these things as rapidly as possible.

Q. How many girls have you?—A. Four.

Q. Is that sufficient to keep the records of this school?—A. It seems not.

Q. Who prescribes their duties?—A. I assign their duties.

Q. As a matter of fact it would take a long time after the expiration of the quarter to make the entries?—A. No; it is not any trouble to run down and copy off the sales.

Q. Could it not be made at the time the transaction is made, and be better than to have to go back over the entire quarter?—A. Yes, sir.

Q. You think the system defective?—A. Yes, sir.

Q. How often have you made an inventory of the property, personally?—A. I have not taken a whole inventory personally, but take part from time to time.

Q. When was the last partial inventory taken?—A. June 30.

Q. What inventory did you take then?—A. Personally, then, I went into the subsistence and the amount of the stock.

Q. Who took the inventory of the stock?—A. I went out and verified it with Mr. Wade. I went and counted the cattle, hogs, horses, and mules.

Q. Suppose, for the sake of illustration, that during the last quarter 20 calves were calved and 15 were sold. If you were fortunate enough to have a dishonest employee who would report 5 calves calved and make no report of the number actually sold, you would not have any way of getting at that?—A. I think you are correct.

Q. You rely upon employees to carry out these instructions, and I am not insinuating or suggesting, but I am simply discussing the system of keeping sales of property. Suppose you had a dishonest employee in charge of the property, you not having any record and could not remember what he told you, and if he chose to report 5 calves calved during last week, when as a matter of fact there were 20 calved and 15 sold, you would have no way of catching him unless somebody saw him sell it. How many have you on hand?—A. I said I thought 60 or 80, and the record showed 139 at the end of July, on the memorandum. We have had a number slaughtered and a number sold. I presume not to exceed 90.

Q. Which shows that you could have sold 30 and still not had any record. It seems to me that if every transaction were recorded at the time they occurred you would be more likely to have perfect records of them than by waiting until the end of three months, when your memory would not be good of the transaction. For instance, if calves are calved it may be they report it, and if they die it may be they report it. Of course it seems so.

By Representative BURKE:

Q. When is the report made?—A. Mr. Oliver testified to that; I have not examined them.

Q. How many mules have you got now?—A. About 15 head, I think.

Q. Do you know how many?—A. I verified the property roll in July. I was away on a vacation in August, and it was a busy time all right. If we kept up the card system of property it would show.

Q. If each piece of property should be card indexed, that would show the transaction from day to day?—A. We have kept it that way.

Q. How long has Mr. Hardy been here?—A. About six months.

Q. Do you know what records he is keeping?—A. I know some he is keeping up. I do not know whether he is keeping them up to date.

LEE CROSS HARDY—Recalled.

By the CHAIRMAN:

Q. Are you keeping a card index?—A. Yes, sir.

Q. How far behind are you?—A. Quarterly.

Q. What do you do besides keep a record of the property sold? -
A. Well, I have a great deal to do.

Q. Can you tell us?—A. I go to the city and have vouchers signed. I have the storehouse to keep up, and all property correspondence in regard to property, I take care of that.

Q. Who made the entries in the property roll in the memorandum for the fourth quarter, 1913?—A. I did.

Q. Anybody else make any entries?—A. No, sir.

Q. I notice on every page some corrections. How do so many corrections happen?—A. I would be getting them in the wrong column. I would read this line when I ought to read this line [witness indicating lines].

Q. What is this [indicating]?—A. That indicates that all has been expended.

Q. In column 7, on a sheet which is not in any way identified, I see a black line run through some figures: the figures immediately adjoining are 20 and 180; what were the figures between those two?—A. Seventy.

Q. How did 70 get in that column and not within a half dozen lines?—A. That is expended; abstract F.

Q. In any event, it is mistakes in keeping the record that occasions these changes?—A. That is abstract F. Everything has been expended, and is under different departments—carpenter, superintendent of industries, plumber, and so on down.

Q. What does 70 mean?—A. That means 70 pounds of that iron, round, one-fourth inch, used during the quarter.

Q. Find that.—A. Over on voucher 3, by carpenter. Abstract A is open-market purchases, abstract B consignment, abstract C is articles manufactured here, stock born; D, issued to Indians; E, articles sold to employees; F, expended for use.

Q. On the column which I indicate, the figures 372, what was that?—A. That is iron, round, five-eighths inch.

Q. Those figures were formerly 472?—A. The three is written over, because I had to subtract. That 100 was not put down, to subtract F from B.

Q. In any event these erasures are clerical mistakes?—A. Yes, sir.

Q. Where is the voucher for hogs sold?—A. I am just making that up. The report will show 20 calves and 20 or 23 hides.

Q. Show the number of calves that died during the fourth quarter, 1913. I assume that they have got that and it can be explained so that somebody with ordinary intelligence can understand.

Mr. GOLDMAN (interrupting). You were asking if I should turn over the property to-day what would happen. The basis of the inventory would be the last inventory and last property record as far as the property is concerned, and after the inventory was returned my successor would only receipt for what I could show him. The law allows us until the 20th of the month to make up our cash account, and until that time if we made it up we would have no basis.

By Representative BURKE:

Q. Mr. Goldman, if I understand you correctly, some of these slips you have are files of each transaction as they occur, and they really correspond to, in ordinary bookkeeping, the entry on the blotter,

and the account is posted from these slips: is that the system?—A. Yes; very largely.

Q. Then if the books were posted daily there would be a record, so far as everything turned in is concerned?—A. I think so.

WILLIAM J. OLIVER—Recalled.

By Representative BURKE:

Q. I do not distinctly understand about the permanent record.—

A. This shows the amount of the voucher. We know the name, amount, and purpose. The abstract of disbursements shows amount disbursed.

Q. Why don't you put it in a permanent book?—A. I did try for a time, but that took a great deal of time, and so I made it almost daily. Sometimes it goes for two or three days. At the end of each month the book is balanced and shows the amount of cash on hand. It shows disbursements on the same book, and if I receive on account from the Indian Office anything that is entered as received, and the number of the warrant and the date is entered.

Q. Suppose to-morrow \$500 worth of calves were sold?—A. That would not be entered until the end of the quarter.

Q. There would simply be a memorandum and voucher made for it until the end of the quarter?—A. That would be kept in this miscellaneous receipt book and should be entered every day.

By Representative CARTER:

Q. How many books do you keep?—A. On cash? We keep one for all receipts and disbursements.

Q. Do you keep a journal?—A. No, sir. No more than this form of journal, and then it is posted into the ledger.

Q. That disbursement account is a journal so far as money paid out?—A. Yes, sir.

Q. That could not be considered a journal unless it embraced all the transactions of the school?—A. No; it would not be a journal of the articles we ordinarily sell here.

Q. My understanding of a journal account is that a journal account must embrace every transaction of the firm or business for which the book is kept. Is that not your understanding of what a journal account is?—A. It is kept. I keep it for all moneys that are received from the Government and disbursed by it.

Q. That is more in the way of a cash book?—A. That is permanent.

Q. You do not keep a journal embracing all the proceedings of all the transactions?—A. No, sir.

C. W. GOODMAN—Recalled.

By Representative BURKE:

Q. What is the practice, Mr. Goodman, as to inspections by a representative of the department of your school, including the book-keeping system of accounts and property on hand, etc.?—A. Well, it differs with different men. I do not think many of them go into it very deeply.

Q. Then, there is really no examination made that discloses whether or not the property is on hand until a man separates himself from the service or is transferred to another position?—A. It seems not. He is responsible on his bond, and he has to account.

Q. If a man happens to remain at one school for a long period of time it might not be known that he was short until he left his position?—A. It is possible.

Q. How many years have you been here?—A. About 12 years.

Q. Have you ever had what you consider a thorough and complete examination of your accounts and property to determine whether or not they are as they ought to be?—A. No, sir; not all of it has been inventoried. I think no official of the department has gone to that trouble.

By Representative CARTER:

Q. You said you took an inventory. How often do you take that?—A. Once a year, and for a while we took them every quarter or required our employees to do it.

(Whereupon the commission took a recess until 7 o'clock p. m., Adores Hotel, Phoenix, Ariz.)

GILA RIVER, CHUAHCHU, COCKLEBUR, AND GILA BEND RESERVATIONS.

MONDAY, OCTOBER 13, 1913.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Hotel Adams, Phoenix, Ariz.

The commission met at 7 o'clock p. m., pursuant to recess.

The following members were present: Senator Joe T. Robinson (chairman), Senator Charles E. Townsend, and Representatives John H. Stephens, Charles D. Carter, and Charles H. Burke.

STATEMENT OF FRANK A. THACKERY, SUPERINTENDENT OF GILA RIVER AND OTHER RESERVATIONS.

Frank A. Thackery, being first duly sworn by the chairman, testified as follows:

By the CHAIRMAN:

Q. What official position do you hold?—A. Superintendent of the Gila River Indian Reservation.

Q. What is the area?—A. About 350,000 acres, and then I have some smaller reservations to the south for the Papagoes on the public domain.

Q. How many reservations have you?—A. One large one and three small ones, and quite a number of Papagoes living on the public domain without any reservation.

Q. What is the name of the other reservations?—A. They are known by the name of the Indian villages within them. The first of them is about 10 miles south, and is known as Chuahchu. The next one is known as the Cocklebur, and the third as the Gila Bend Reservation, near Gila Bend, Ariz., on the main line of the Southern Pacific.

Q. How many Indians on the Gila River proper?—A. Approximately very close to 5,000.

Q. How many on the Chuahchu Reservation?—A. Close to 200.

Q. How many on the Cocklebur?—A. About 300 there.

Q. And on the Gila Bend?—A. There is belonging on that reservation about 300. There is actually living there possibly not more than 80. They are very poor people and go away to work.

Q. What number are there off the reservation usually that you have supervision over?—A. We have not an accurate census, but there is, I should say, about 700 or 800.

Q. What do the Indians on the main or principal reservation do for a living?—A. Farming and stock raising.

Q. How much farm land do they cultivate?—A. Approximately 20,000 acres. They formerly had more, but had to give up some, due to no water for irrigation.

Q. Have they water for approximately 20,000 acres?—A. Not permanently. They have water when there is water in the Gila River. That goes dry sometimes.

Q. Did they formerly cultivate more than 20,000 acres?—A. Yes, sir.

Q. What area do you know they formerly cultivated?—A. We know, through estimates of engineers, the largest acreage to be a little over 30,000 acres.

Q. How were they deprived of that water?—A. The settlements on the Gila River; that is, the use of the water by white settlers above is the cause.

Q. When was the Gila River Reservation set aside?—A. I do not know accurately, but about the first reservation established. I do not know yet, but I know it was prior to any white settlement in that whole country. It was 40 or 50 years ago.

Q. Was it a treaty?—A. I think it was an Executive order. Subsequent to that there was an Executive order making the present reservation.

Q. Do you know what stipulations were made with reference to water for the reservation?—A. None at all; excepting the contention in law.

Q. Is there a controversy now about the water rights for the reservation?—A. There is.

Q. Is suit pending?—A. Was not; no, sir.

Q. What is the status of the matter?—A. The first settlement above the Indian village on the Gila River was probably the settlement in what we now know as the Solomonville Valley, about 100 miles above the Indian reservation. Settlements of Mormons come in there 30 or 35 years ago. Subsequently Mormons settled above the reservation near Florence, Ariz. Those people since that time have been building ditches and taking water out of the Gila River until recently the ditches were not proportioned to the number of people. Recently several companies have been organized, and every indication is that the companies will get together in one, and they are now considering digging a ditch and taking water out of the Gila, about 15 miles above the reservation. The ditch would be 40 feet on the bottom and would take all the water on the Gila River during the ordinary flow. In other words, no water would reach the reservation except in a high flood. Through a special assistant attorney we are getting the Indian case ready so that we can enjoin the different companies interested in this large ditch just prior to their actual appropriation of water. That is the status of the case to-day. We are preparing our case at this time, and measuring our ditches. I have served notice on the officers of the company of the contention of the Government, that notice having been prepared by the special assistant attorney general. They are making progress at their own risk.

Q. If they prevail the Gila Reservation will be deprived of all water and none will flow?—A. Yes, sir. One faction of the company owning this ditch are inclined to settle with us; that is, to make a friendly settlement. They want to hold us down to less water

than we think we are entitled to. We are contending for water for 10 acres per capita—man, woman, and child. That would average 40 or 50 acres to the family. That would make approximately 50,000 acres for the 5,000 Indians on the reservation.

Q. When an Indian reservation was set aside there was impliedly created a water right for them sufficient to water an area necessary for the maintenance of the Indians, and that reservation would have been useless if that were not true?—A. Yes. In addition to that we are on our part able to prove, in the first place, the prior right of the Indians.

Q. As a matter of fact it is a prior appropriation?—A. Prior right and appropriation; and further than that, the continued use of such water as was allowed to come down the river by flood. The ordinary flow the Indians have used practically all of it for ages.

Q. How many companies are there?—A. Immediately above us are three.

Q. They expect to be merged into one?—A. Yes, sir.

Q. Are they organized under the laws of Arizona?—A. I am not informed as to that.

Q. As to the other reservations—the Chuahchu—what do the Indians on that reservation do?—A. They farm and have a small amount of poor-grade Mexican cattle and ponies, but the greater part of them are living by manual labor.

Q. Have they any water right?—A. No recognized water right. They have lived in the past by farming, but I should say the crops have entirely failed. Some go to the ranches and some go to Phoenix to get through the winter. Their farming heretofore has been this way: They have no reservoirs in any way. The underground supply of water is too deep for a pumping proposition. They have caught the water when it runs. They go out and build long banks in opposite directions, and guide the water into the little farm in the flat surface. They get enough to germinate seed. They have relied on that for ages.

Q. What do you mean by ages?—A. At least 300 years.

Q. Is there any known source of water that could supply them?—A. While I have been very thoroughly over that whole public domain wherein these Papagoes live—I am not an engineer, but I am convinced there are some reservoir propositions there. They are not good, but would hold water and be comparatively inexpensive.

Q. There are no lakes or streams?—A. None whatever. There are two little living streams covering 90 miles north and south and 200 miles east and west, excepting two little streams running from a peak called Babekek.

Q. As to the Indians on the Cocklebur Reservation?—A. Same as the Indians on the Chaulchu Reservation. At Gila Bend they have a small right in a ditch built by white men taking water out of the Gila River. I think only six Indians have a right in that ditch. It was claimed that all but two had lost that right because of their failure to do assessment work. This has been referred to the special attorney.

Q. The whole subject of water, which you are superintendent of, is being given careful consideration?—A. Yes, sir.

Q. What is his name?—A. John F. Truesdale.

Q. What is the general condition of Indians under your supervision, with reference to health?—A. I should say pretty bad. The most serious thing is tuberculosis.

Q. What percentage have tuberculosis?—A. No less than 15 per cent.

Q. Has any investigation been made among them to ascertain about this?—A. By the United States Marine-Hospital Service.

Q. What was the extent of that investigation?—A. Dr. Freck made the investigation on our reservation, and I should say he spent about a week. He examined every pupil in the boarding school. That would be about 225 Indian children, and he examined on an average of about 30 pupils in each of the six day schools, and then he visited more than half of the Indian villages and examined. He spent about a half day at each village examining them for tuberculosis and trachoma.

Q. Do you know what report he made with reference to tuberculosis?—A. It was published as a Senate document, and I think it showed an average of 30 per cent trachoma, and something over 10 per cent for tuberculosis.

Q. Do you think them well estimated?—A. Yes, sir.

Q. Have you facilities for treating tuberculosis?—A. We have no facilities except a dobie, one small room for the nurse, and two small rooms 18 feet square, one each for boys and girls. The building is 20 years old, and one corner has actually fallen out.

Q. What medical assistance have you?—A. Two regular physicians and a contract physician. One is located at headquarters at Sacaton. Another of the regular physicians at the Gila crossing village to the south end of the reservation, and the contract physician at Gila Bend. We have some five or six villages of 200 or 300 Indians, and it is impossible for the present physicians to even visit those and give them any medical assistance at all.

Q. What do the physicians attempt to do in the discharge of their duties?—A. At the boarding school we give regular treatment for trachoma. And as to our school pupils, we send them to the sanatorium at the Phoenix School; that is, as to the tubercular patients.

Q. What actual percentage on your reservation are afflicted with trachoma?—A. Forty per cent.

Q. How long have you been in the Indian Service?—A. About 23 years.

Q. What other agencies have you been superintendent of?—A. The Indian Agency at Shawnee, Okla.

Q. How long?—A. Eleven years.

Q. What other service?—A. I began in the service as a laborer at Sac-Fox, Okla. I was made farmer at the Indian school at Sac-Fox, then in charge of industrial work, then transferred to South Dakota and made manager of the manual training, and then transferred to Genoa University as disciplinarian, and from there to Anadarko as superintendent of the Riverside Boarding School, from there as superintendent in charge of the reservation at Shawnee, and from there made supervisor of Indian schools for California, Arizona, and Nevada, and from there to my present position. I was sent there to handle the water and land question.

Q. What do you think is the best way of handling tuberculosis and trachoma diseases among the Indians?—A. I do not hesitate to

say that the most effective means would be by inexpensive camps on the reservations. I think a few strong field nurses under the instructions of a physician, who could care for two or three camps, would be the most effective means, because the Indians would take readily to the treatment. Generally they realize the seriousness of tuberculosis, but their family ties are so strong that it would be difficult to get them to break up the home and go away. Besides that, I think, the heavy cost of transportation to and from the hospital from a distance would be too much. It would not be effective unless some law was passed which would authorize the superintendent in charge to forcibly take them to the reservation, because the few that you would persuade would not clear up the situation on the reservation, because the majority would remain at their homes without treatment unless some local means were provided.

Q. You means if we had a hospital on the reservation?—A. If we had nothing but a hospital at a distance we would have to have a law to make them go.

Q. What do you suggest about treatment of trachoma?—A. Very much the same method. The two could go together and be cared for in temporary camps.

Q. You would not maintain one camp for both?—A. I think employees or officers should treat both. My idea would be that the Indians taking treatment for trachoma might stay at home and report. They live in villages about a mile apart. The tuberculosis cases would have to be housed.

Q. What is the number of employees at your agency?—A. Counting police and all, approximately 70.

Q. What do they consist of and how are they classified?—A. Domestic workers and industrial workers, teachers for six-day schools, 7 district farmers, we have 3 physicians and 1 field matron, 9 Indian police, 3 girls, and I should say, 12 or 15 Indian assistants.

Q. What do they do?—A. As an illustration, we have a head engineer who has charge of the steam and electrical part. He has three Indian assistants. One of them runs the ice plant, the second one is in charge of the laundry machinery, and the third one is directly in charge of the main steam plant where the pumping is done and where steam is generated for the other plants which are located at a distance.

Q. How do Indian employees compare with white employees?—A. We find it difficult to get them to assume responsibility. As assistants they do very well. There is a great difference in different tribes. Our people here are among the best workers I have ever seen. If given an example they will follow it.

Q. Are they strong on initiative?—A. They are not strong on initiative. It is more a lack of confidence. They are willing to work and do not require prodding up, but they lack in initiative.

Q. What school facilities have you?—A. We have a boarding school which keeps 225 pupils, and we have six day schools with a capacity of about 35 each, and then we have a Catholic school. They have enrolled about 200.

Q. How many pupils in the boarding schools at this time?—A. About 204 or 205.

Q. Where is that located?—A. Sacaton.

Q. Who is principal?—A. R. A. Ward.

Q. How many teachers are employed there?—A. Four boarding-school teachers, and there is a day school right at the agency, making five teachers at the agency; that is, classroom.

Q. What work do you do in the boarding school?—A. We have the pupils divided into two sections. While one-half is in the classroom the other half is out on industrial detail. We make a specialty of farming and gardening for boys. We have a similar detail in the carpenter shop, one with the engineer, another with the dairy, another with the stableman, another with poultry and bees, and one with the experimental station. I merely suggest that we have an experiment station of 55 acres with the Government.

Q. What area of lands do you farm?—A. We now farm about 240 acres by irrigation.

Q. What are the character of the crops you raise?—A. Egyptian cotton, corn, wheat, oats, alfalfa, onions, and in the fruit line we have grapes, pears, pomegranates. We are just starting our orchard of dates, and on the experimental station we have been trying out figs.

Q. Do all the pupils work on the farm, except those engaged in some trade?—A. We have arranged it so that all pupils get farm training some time in the school course. They do not all get training as carpenters, etc.

Q. How do you handle the farm products?—A. We consume most of it. We sell cotton, for instance. We sell only the surplus.

Q. Do you know how much surplus you sold last year?—A. A little over \$2,000 worth of cotton. We sold some cattle, about \$2,500 worth of cattle, and we reinvested that in a new dairy herd. I think that is approximately all. In addition to that our older Indian boys; we have it planned to give them a share of the crop they produce. We divide the farm into 10-acre plots, which, as I suggested a while ago, is to be the size of their allotment on the reservation.

Q. What do you allow them out of the crops?—A. One-fourth. My plan is to have it impressed upon each boy in the most effective way possible what he can do on another 10 acres after leaving school. We divide our farm into 10-acre plots, and we have him raise what we think most profitable when he goes home. And I found conclusively this year that our three-fourths, exclusive of the interest that goes to the boys, amounts to more than what it did before when we took it all. We market his one-fourth at the highest price we can get, and my plan is to place that money in the bank on his account, there to remain until he has finished school, then to be drawn out by this boy for such purposes as buying him a wagon or team, or whatever he needs to start in on his own land.

Q. What is the total amount you received from farm products over and above what you consumed at the agency?—A. It is represented in that \$2,000 for cotton is all that we sold that is produced by the farm proper. This year we raised all alfalfa and all of our oats, feed, as well as seed oats. We will have a surplus of wheat to sell, but it is as yet on hand unsold. For the year past we produced close to \$2,500 worth over and above what we used. This year it will be over that.

Q. What disposition do you make of that then?—A. Place it in class 4 fund. We expend that in the same way as other funds, except we are not required to get previous authority to expend it. We buy things, for instance, that are not allowed.

Q. What did you do with the \$2,500?—A. We have about three-fourths of it or more on hand. The balance we have been using in getting started in bees and chickens. The balance I want to use in a way that will be an incentive to the boys and girls, as well as employees, to increase their efforts in the future. I have not planned any way more than so they can see the direct result of their work.

By Senator TOWNSEND:

Q. You have only one field matron?—A. I have asked for two or more.

Q. What is the pay of that one matron?—A. \$720 per year.

Q. Is she a good one?—A. Good indeed, and very sympathetic.

Q. What would you do with the other two?—A. Divide the territory into smaller districts and put upon them especially the importance of sanitation about the home.

Q. And would you have them visit the homes regularly?—A. Yes, sir.

Q. Your Indians are located in villages so there is a place for the woman to stay?—A. It has been the practice for her to travel out to a village and visit, and the next day to a village in another direction.

Q. Can you make all the villages in that way?—A. No, sir. That is the reason we need additional field matrons.

Q. Would those field matrons be of use to you in the treatment of tuberculosis and trachoma?—A. Very much indeed, if they were of the right temperament, and if capable and interested in the work.

Q. Would you have them selected in the civil service?—A. I would very much prefer to select them myself or have a physician to do it. I would like to have a person with the right disposition. If you get one yourself or have somebody who is qualified in that line to go into the record of the person, his manner and habits, you can judge very well of it, and I think get the right sort of person.

Q. Could the farmer employed there be of service in the matter?—A. By right instruction.

Q. Is he a competent man?—A. Yes, sir; I think we have a very good force of farmers.

Q. Are they interested people?—A. They are interested in agriculture. They are not interested much in the health line. If we had some way of having the Indian treated.

Q. What does your farmer do in the farming line for the Indian?—A. He assists them in the construction of ditches and gates for ditches or turnouts, and in the farming portions he assists in the planting and instructions as to when and how to water the land, and then how to best conserve the water by thorough cultivation, and then in the harvesting and marketing of their crops. One of his greatest assistance is in helping them get a proper price.

Q. Does the Indian have an eye for business or show a competency to take care of himself?—A. Our Pima people have been turned out on their own responsibility, and they show a good deal of business ability, better than the average Indian. However, many of them get cheated. They know nothing about cotton, and they need help in marketing it.

Q. What do they do with the money when they get it?—A. The Indians on my reservation are I think the most economical people I have been with in my experience, and generally they save it for the

purchase of farm wagons or new harness, sewing machines, cook stoves, and many of them use it for building more modern homes. The old-style homes are built of cactus ribs, which is simply straight sticks, and then daubed over with mud and then covered with some material, and they put arrow weed on that, and then dobe on top of that. They save their money and make dobe brick and use the money to buy windows or doors and flooring and to shingle their roofs. That generally comes about from the physician, field matron, and our district farmers.

Q. Are their native homes properly ventilated?—A. The original home was, because there was an opening in the top through which the smoke escaped.

Q. Is it a dry country?—A. Yes, sir.

Q. What do you attribute as the cause of so much tuberculosis?—

A. I think it is due largely to their transition period of old method of living. Originally they were wanderers mostly and out of doors, and when in the house the means of allowing the smoke to escape formed a splendid system. The game is all gone, and they have adopted the new style house, wherein the use of sanitation and the matter of ventilation is needed and is not realized by them, and therefore they sleep in these little tight houses without proper air, and I believe it is largely due to this condition. They need education.

Q. Do you teach this in your school?—A. Yes, sir.

Q. Does your matron and farmers help in such matters?—A. Yes, sir. We hold meetings in which employees, teachers, and all are assigned, and in which health is made a specialty. These things are discussed in our meetings both as a matter of instruction and to advise them of the danger.

Q. What proportion of the Indian children attend the schools?—

A. I should say about 70 per cent. All that we have room for. It is no trouble to get Indians in the school.

Q. Do you need more room?—A. Yes, sir.

Q. Have you asked for it?—A. Yes, sir.

Q. It has not been granted?—A. No, sir. The office has recognized our need, but I presume they have seen greater need elsewhere. I have asked them for more day schools. The boarding school is in bad condition.

Q. Have any of your Indians been allotted lands?—A. None of them.

Q. Have you asked that it be allotted?—A. I have wherever the water question is settled. Where the water question has not been settled I think that ought to go before the allotment. We ought to determine the irrigation system and then allot.

Q. Have any of these Indians for which you are superintendent any funds, either created, or has any lands been sold?—A. No tribal funds of any description.

Q. So that you have the appropriation that Congress made?—A. Yes, sir. In my experience I feel so sure that where a people of their stage of civilization can realize what they have back of them, it takes away from them an incentive to work. Where they have nothing they have to rustle and work, and that is the Indian's salvation.

Q. Do you maintain among your Indians a tribal court?—A. Yes, sir. We have a court consisting of two judges, which is furnished by congressional appropriation.

Q. Is that an effective court?—A. Yes: very effective.

Q. What class of matters are settled by that court?—A. We settle disputes between Indians as to land, as to use of water from ditches, as to division of property where a person has died leaving property for his heirs.

Q. They settle those questions?—A. Yes, sir. They hear the two sides, and the judges recommend a settlement. Up to the time I went there they settled matters of marriage and divorce, but I stopped that when I went there, because in my experience in an allotted country, any claim, for instance, the courts there have held that marriage by an Indian court, or a separation by an Indian court, is without force, and it is very misleading to the Indians. They have at Sacaton done this, thinking it legal and right. They are soon to be allotted. When an allottee dies his land must descend under the laws of descent and distribution, or laws of Arizona. The question of his marriage will naturally come in. When he goes into court the marriage or divorce will not be recognized by the State court. Therefore, I have discontinued it. I have taken that out of the hands of the Indian court, and have required the Indians to go to the county authorities to get licenses and go to the county authorities to get a divorce. Personally, I would favor the passage of a law which would make it easier for an Indian to be married or divorced for this reason. Many of them are ignorant of the necessity of a proper marriage or divorce. They do not understand what it means in the distribution of property by descent. The superintendent finds a good deal of difficulty in persuading them to abide by the law. If the superintendent requires him to go a distance of over 100 miles to get a license it is up-hill work to get him to do that. If he could go to the agency and get one that would stand in the future it would simplify matters a great deal.

Q. I understood you to say the property was regulated by State laws?—A. The Federal laws. As I understand it, that in an allotment of land, when the allottee dies the land descends under the laws of the State in which it lies.

Q. Are they pretty faithful to the marriage relations?—A. Generally speaking, yes; there is a very great difference in the different tribes. The people I now have charge of respect the marriage law and are a virtuous people, generally speaking. Generally speaking, they are virtuous and respect the marriage relations, and if they disagree they come to the superintendent and want to be separated in the proper way. They do not attempt, in other words, to avoid authority.

Q. Do you think the superintendent ought to have authority in that matter?—A. I think it ought to be given in certain cases. I think it is a mistake for the superintendent to marry Indians and grant divorces. It complicates matters when he is the court.

Q. In settling disputes about the land they are occupying?—A. The matter of occupancy, but nothing wherein a legal question is involved; that is all held in trust by the Government.

Q. Do you know of Indians on your reservation that would go to a sanitarium if one were provided locally?—A. You mean by that on the reservation? I think practically all of our Indians would go.

Q. Are there any Indians that would like to go to the reservation here at Phoenix for the purpose of getting the benefit of the reservation?—A. Quite a number.

Q. What about the others?—A. There are others who ought to come, but we have a great deal of difficulty in getting them to do so. We have no authority to compel one to come.

Q. Do you find that where cases get into the family it is liable to spread to others?—A. Yes, sir; most of the houses have no floor; and while many of them keep the floor dampened down, many don't keep it dampened down, and they expectorate in this dust. It is hard to make an Indian realize the danger.

Q. Do they still practice on your reservation the Indian treatment?—A. Occasionally a so-called medicine man; but people have outgrown that, and at this time have very little influence over them.

Q. Are your employees satisfactory?—A. I am very well satisfied with the corps I have. We might, in an effort to make a change, get worse.

Q. Did you make any recommendations along that line?—A. Yes, sir.

Q. How do your improvements compare with those we have been inspecting to-day at Phoenix?—A. Practically all of our buildings are adobe. Most of them have been built about 25 years and disintegrated very badly. They were built in an early time, and they did not realize the necessity of putting stone foundations under them. Summer rain dissolves adobes at the base, and almost all of the adobe buildings are decomposed so as to make them dangerous. They were built long ago, when the school was small, and we have outgrown them.

Q. If a sanitarium, not so pretentious or elaborate as the one down here or one perhaps constructed on the same plan so far as sanitation is concerned, were to be constructed at your agency, would that meet the necessities of the Indians of your reservation?—A. Yes. I would like to have with that a temporary camp where we might treat the light cases. Bring in those that need constant care and treatment at the agency, and have a camp located at the villages so that one physician with a very inexpensive auto could visit five or six of these temporary camps every day. I think that would be inexpensive and effective.

Q. Why do you prefer to have them that way?—A. Because it would be so much easier to have the Indians take treatment. Their doing it voluntarily adds possibilities to the cure.

Q. What character of camp do you want?—A. I want open roof with screened sides and board floor. I want to call your attention to the need of a bridge on the Gila River. The Gila River is a shallow, wide stream, full of quicksand and treacherous. I am sure bridges are being built elsewhere when there is less need. The authorities have been at a great expense in fixing up the road around the reservation, and they have impressed upon me the need of a modern bridge. Gov. Hunt got stuck out there last Sunday, and we had to pull him out. It is bad for the Indians to get across.

(Whereupon the commission adjourned.)

YANKTON AGENCY

SERIAL ONE

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
SECOND SESSION

TO

INVESTIGATE INDIAN AFFAIRS

JANUARY 21 AND MARCH 9, 1914

PART 5

Printed for the use of the Joint Commission



WASHINGTON
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1914

CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.

HARRY LANE, Oregon.

CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEPHENS, Texas.

CHARLES D. CARTER, Oklahoma.

CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.

ROSS WILLIAMS, Arkansas, *Clerk*.

YANKTON SIOUX AGENCY.

JANUARY 21, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

Washington, D. C.

The commission met in its office, room 128, Senate Office Building, at 7.30 o'clock p. m.

Present: Senators Robinson (chairman) and Lane; Representatives Stephens and Carter.

The CHAIRMAN. I incidentally learned that Mr. A. W. Leech, the superintendent of the Yankton Sioux Indian Agency, was in the city, and thought it would be convenient for the commission to have a statement from him concerning conditions at that agency, and on the reservation. Mr. Leech is present this evening, having appeared at the request of the chairman, and he will now be sworn.

TESTIMONY OF A. W. LEECH, SUPERINTENDENT, YANKTON SIOUX INDIAN AGENCY.

Mr. A. W. Leech, being duly sworn by the chairman, was examined and testified as follows:

The CHAIRMAN. You are the superintendent of the Yankton Sioux Agency in South Dakota?

Mr. LEECH. Yes, sir.

The CHAIRMAN. How long have you served in that capacity, Mr. Leech?

Mr. LEECH. Very nearly two years.

The CHAIRMAN. How long have you been in the Indian Service?

Mr. LEECH. Fifteen years.

The CHAIRMAN. What positions have you held before you became superintendent at the Yankton Sioux Agency?

Mr. LEECH. I entered the service at Rosebud, as a day-school teacher in October, 1900, and served in that capacity until 1908, when I was promoted to day-school inspector at the Rosebud Agency, in which capacity I served until February 1, 1912, when I assumed charge of the Yankton Agency.

The CHAIRMAN. What is the area of land within that reservation, approximately?

Mr. LEECH. I can tell you what it originally was—about 400,000 acres.

The CHAIRMAN. Do you know what it consists of now, in area? How much is Indian land?

Mr. LEECH. I could tell you within 1,000 acres how much is Indian land. I would say approximately 98,000 acres belong to the Indians.

Senator LANE. Who does the rest belong to?

Mr. LEECH. It belongs to white people.

The CHAIRMAN. It has been taken up by homesteaders?

Mr. LEECH. It has been taken up by homesteaders and has been sold under patent and fee.

The CHAIRMAN. What is the general character of the lands that are still Indian lands on that reservation?

Mr. LEECH. Senator, let me just make an explanation. There are 268,000 which were allotted to our Indians, and the remainder of the 400,000 acres, which comprised the original Yankton Reservation, was opened for homestead; and of that 268,000 acres, of the 400,000, which were allotted, it has all been sold until they have about 98,000 acres now.

Senator LANE. How long has that process been going on?

Mr. LEECH. It has been going on about 10 or 12 years, ever since they have been settling the land.

The CHAIRMAN. Has the allotment work on that reservation been completed?

Mr. LEECH. Yes, sir; practically so.

The CHAIRMAN. All the Indians have been allotted?

Mr. LEECH. Allotments all closed June 18, 1892, since which time no allotments have been made.

The CHAIRMAN. What is the general character now of the Indian lands, and of the country—just give a brief description of it, character of the soil, etc., in a general way?

Mr. LEECH. Away from the Missouri River the soil and the land is good for farming purposes. Of course, along the brakes of the river the soil is in most places a gumbo or shale, and it does not stand dry weather as well as the sandy soil. The southeast half or corner of our reservation is more of a sandy nature and they raise better crops on that than they do in the northern part.

The CHAIRMAN. What is the area allotted to each Indian on that reservation?

Mr. LEECH. From 80 to 160 acres.

The CHAIRMAN. Upon what does it depend as to whether it is 80 acres or 160 acres?

Mr. LEECH. As to whether it is farm land or grazing land.

Senator LANE. Does the sandy loam stand the drought better than the gumbo?

Mr. LEECH. It is more pervious or open, and the moisture that falls upon that sinks and goes down through, and on the other it runs off, and then when dry weather comes it returns to the surface of the sandy soil.

Senator LANE. What can you raise, corn or wheat?

Mr. LEECH. Any kind of a crop.

Senator LANE. How deep do you plow that gumbo?

Mr. LEECH. From 4 to 8 inches.

The CHAIRMAN. What is the average market value of those lands, if you can state? I want to get some idea of general conditions.

Mr. LEECH. You mean cultivated lands or the raw lands?

The CHAIRMAN. The cultivated lands, and the raw lands. Of course, they would have to be stated separately, probably.

Mr. LEECH. The average value of the cultivated lands, I judge, would be about \$50 an acre.

The CHAIRMAN. That much?

Mr. LEECH. Yes, sir.

The CHAIRMAN. And what would the raw lands be worth, if you could state?

Mr. LEECH. Well, beginning at the brakes on the river, they would not be worth more than \$4 or \$5, up to \$25 or \$30 an acre.

The CHAIRMAN. What is the total number of Indians, as near as you can state it, on that reservation?

Mr. LEECH. One thousand seven hundred and eighty or one thousand seven hundred and ninety.

The CHAIRMAN. How do you get the number—what information have you as to the number?

Mr. LEECH. We keep a complete roll.

The CHAIRMAN. What is their general condition?

Mr. LEECH. Their general condition is very fair. We have some Indians that are well-to-do, and live just as well as any average white family, while, of course, we have some who live in squalor, comparatively.

The CHAIRMAN. Are many of them what we call "blanket" Indians?

Mr. LEECH. Oh, no.

The CHAIRMAN. Are any of them "blanket" Indians?

Mr. LEECH. They all wear citizens clothes. Some of the women wear what we call "squaw" dress; but it is not the real old Indian woman's costume.

The CHAIRMAN. Do they live in tepees or houses?

Mr. LEECH. In houses.

The CHAIRMAN. All of them?

Mr. LEECH. Yes, sir. In the summer a few live in tents or tepees.

The CHAIRMAN. What percentage of them are mixed blood, would you say?

Mr. LEECH. I should judge about 40 per cent.

The CHAIRMAN. The remainder are full bloods.

Mr. LEECH. The remainder are full bloods. That is just an estimate; I do not say it positively.

The CHAIRMAN. Have they tribal funds or property?

Mr. LEECH. Yes, sir; they have tribal funds somewhere near \$260,000; more than half of them have withdrawn their interests in the tribal funds.

Senator LANE. Why and how?

Mr. LEECH. They make application for their share of the money.

Senator LANE. On their personal application?

Mr. LEECH. Yes, sir.

The CHAIRMAN. That tribal fund that you refer to is in cash, is it?

Mr. LEECH. Yes, sir; it is in cash in the Treasury of the United States.

The CHAIRMAN. Do they own any other tribal properties that you know of?

Mr. LEECH. No; not tribal properties.

The CHAIRMAN. They have all been allotted?

Mr. LEECH. Yes, sir.

The CHAIRMAN. What is their condition with reference to progress and development; what is their manner of living; and what constitutes their chief occupation?

Mr. LEECH. They all live in houses; some of them are very comfortable and commodious houses; and their principal occupation is farming.

Senator LANE. But the most of them have good, comfortable houses?

Mr. LEECH. Yes, sir; the majority have comfortable houses.

Representative STEPHENS. What is the difference as to civilization between the full bloods and mixed breeds as to the wearing of good clothing, etc.?

Mr. LEECH. Well, I think that mixed breeds wear a little better clothing, but I do not know that they will average better than some of the full bloods as far as civilization goes.

Representative STEPHENS. How is it with reference to working and trying to make a living?

Mr. LEECH. The full bloods are the better workers at manual labor; the mixed bloods are better "workers" at working the full bloods.

Representative STEPHENS. You say the full bloods are the better character of men?

Mr. LEECH. I would say that; yes, sir.

The CHAIRMAN. What constitutes the chief occupation?

Mr. LEECH. Farming.

The CHAIRMAN. Are many of them successful farmers?

Mr. LEECH. Some of them are very well-to-do farmers. Several of them this last year have had in over 100 acres.

The CHAIRMAN. What do they produce?

Mr. LEECH. Corn and wheat and oats.

The CHAIRMAN. Do they raise live stock?

Mr. LEECH. Some; not very much.

The CHAIRMAN. Is that a good country for raising live stock?

Mr. LEECH. Yes, sir; there are not many cattle in that country, but it is usually a good country for hogs. Cholera, of course, at one time ruined the hog industry there.

The CHAIRMAN. Are those grazing allotments of 150 acres adequate to support an ordinary Indian family by grazing? What is the character of the grass?

Mr. LEECH. Some of it is buffalo grass, and there is blue stem and some bunch grass.

The CHAIRMAN. Do they require water for irrigation of agricultural crops?

Mr. LEECH. No, sir; that is, they do not irrigate.

The CHAIRMAN. What percentage of these Indians are comfortably self-supporting—I mean, now, with reference to the whole reservation?

Mr. LEECH. I would have to ask a question before I answered that. You mean "self-supporting" by means of their own efforts and the income from their own lands, rentals, and otherwise?

The CHAIRMAN. Yes.

Representative CARTER. Or in any wise.

Mr. LEECH. Between 50 and 60 per cent.

The CHAIRMAN. Approximately half of them, then, are not self-supporting?

Mr. LEECH. Yes, sir.

The CHAIRMAN. How are they maintained?

Mr. LEECH. By the sale of some of their own land and inherited land.

The CHAIRMAN. What is so large a percentage of indigents—I use the word for the want of a better one—among them due to?

Mr. LEECH. Well, it is due to lack of putting forth the proper efforts toward self-support.

The CHAIRMAN. Are many of them afflicted, Mr. Leech? What is the condition of their health, generally?

Mr. LEECH. You mean with respect to trachoma or tuberculosis?

The CHAIRMAN. Yes; or anything of that character.

Mr. LEECH. There is about 40 per cent of our Indians who are afflicted with trachoma, according to the report of our physicians, and probably 20 to 25 per cent tuberculosis in some form.

The CHAIRMAN. That many?

Mr. LEECH. Yes.

The CHAIRMAN. How do you make this estimate, from what information; statements by the physicians?

Mr. LEECH. Yes, sir; every Indian who applies to the physician for treatment of any kind is examined, and he keeps a record of what the difficulty is.

The CHAIRMAN. Have you any information upon which to form a calculation as to whether these diseases are increasing or diminishing among them?

Mr. LEECH. I have not known the Yankton Sioux long enough to make a statement that I would care——

The CHAIRMAN. To stand upon?

Mr. LEECH. To stand upon.

The CHAIRMAN. You really could not state from the information you have?

Mr. LEECH. No, sir.

The CHAIRMAN. Tell me what, if any, special efforts are being made by the Government or anyone else to prevent the spread of those diseases or to improve those conditions?

Mr. LEECH. There is not very much being done outside of the schools.

The CHAIRMAN. What school advantages have you on that reservation?

Mr. LEECH. We have a boarding school, the capacity of which is rated at 100. They have about 108 or 110 there now. The children are segregated, so far as trachoma is concerned. We do not admit tubercular children. We have separate bathing and sleeping facilities there, and they are under the care of the matron and the physician. Their eyes are examined every few days by the physician and matron, and those who have trachoma receive treatment every day.

The CHAIRMAN. Have you day schools in addition to the boarding school?

Mr. LEECH. Yes, sir; public day schools.

The CHAIRMAN. What is the total number of pupils enrolled in that boarding school?

Mr. LEECH. About 108 when I left home.

The CHAIRMAN. Do you know what the Indian school population of the reservation is?

Mr. LEECH. About 450.

The CHAIRMAN. About one-fourth of the total number, then, are in that school?

Mr. LEECH. Yes, sir.

The CHAIRMAN. What is the condition with reference to accessibility to the school for the greater part of the reservation?

Mr. LEECH. As to the boarding school?

The CHAIRMAN. Yes; that is the only school you have.

Mr. LEECH. The boarding school is located at the agency, and that is to one side of the reservation, on the Missouri River. The farthest children from the boarding school would be about 30 miles, and from that down to within a mile or so.

The CHAIRMAN. You said that in the boarding school the pupils who were afflicted with trachoma were segregated from those who are not so afflicted?

Mr. LEECH. Yes, sir.

The CHAIRMAN. And that tuberculous pupils were not admitted?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Have you any hospital facilities on that reservation at all?

Mr. LEECH. No, sir; we have not.

The CHAIRMAN. What means have you of providing medical relief?

Mr. LEECH. Only such as is administered by the physician when he goes out and makes visits over the reservation and when they come to the office.

The CHAIRMAN. For treatment?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Who is your physician on that reservation?

Mr. LEECH. Dr. L. H. Collier has been our physician until within the last 10 days, when he was transferred; but I am told by the office over here to-day that he is to be returned to us.

The CHAIRMAN. Do you know what salary he gets?

Mr. LEECH. He gets only \$1,000 a year.

The CHAIRMAN. Is he supposed to give all the Indians on the reservation medical treatment and attention?

Mr. LEECH. Yes, sir; those who apply to him.

The CHAIRMAN. Does he do it and can he do it?

Mr. LEECH. Well, no, he can not; he can not visit those Indians off in the extreme portions of the reservation and do justice to those on the other parts.

The CHAIRMAN. He, of course, gives medical attention to the pupils in the schools when they require it?

Mr. LEECH. Yes, sir.

The CHAIRMAN. And I suppose he attends to those who come in?

Mr. LEECH. Yes, sir; and those within a radius of 15 or 20 miles.

The CHAIRMAN. He goes there when they call him?

Mr. LEECH. Yes, sir.

The CHAIRMAN. And the others are practically without medical assistance, are they?

Mr. LEECH. Yes, sir.

Senator LANE. How old a man is he?

Mr. LEECH. Twenty-two or twenty-three years old.

Senator LANE. What school is he a graduate of?

Mr. LEECH. A medical college at Kansas City, Mo.

Senator LANE. Are there any children there who do not have school facilities—access to school?

Mr. LEECH. No; there are no children on the reservation but what can attend either public school or boarding school.

Senator LANE. You have a public school?

Mr. LEECH. Oh, yes, sir.

Senator LANE. Do they all attend?

Mr. LEECH. No; not all.

Senator LANE. Why?

Mr. LEECH. There are probably 30 or 40 per cent who are out of school now at the present time. The indifference on account of the parents is partly to blame for that, and the desire on the part of the patrons of some of the white schools to not have the Indians.

Senator LANE. These public schools are partly attended by the whites?

Mr. LEECH. They are white schools—public schools.

Senator LANE. Scattered in among the Indians?

Mr. LEECH. Yes, sir.

The CHAIRMAN. As a rule, the Indians do not attend the public schools in the neighborhood of that reservation?

Mr. LEECH. Oh, yes; more than half of our pupils are in the public schools.

The CHAIRMAN. How many would you say?

Mr. LEECH. About 140 or 150; probably 75 or 80 are away in non-reservation schools.

The CHAIRMAN. So that, as a matter of fact, the total number of Indian pupils attending school is much larger than the number attending boarding schools?

Mr. LEECH. Oh, yes, sir.

The CHAIRMAN. Which do you think make the best progress—pupils going to the boarding schools or those to the nonreservation schools and the public schools?

Mr. LEECH. If they had the attention they should have in the public schools they would make the better progress there.

The CHAIRMAN. Why would that be true?

Mr. LEECH. In the public schools they are thrown directly in contact with the white children, and the stimulus from that prompts them to work harder to learn than where they were all together in a boarding school.

The CHAIRMAN. You implied by your answer to a former question that they do not get the attention they ought in the public schools.

Mr. LEECH. Some of them do not.

The CHAIRMAN. What is that due to, Mr. Leech?

Mr. LEECH. Indifference on the part of the teachers and the patrons of the public schools.

The CHAIRMAN. Is there much conflict between the white pupils and the white patrons and the Indian pupils or Indian parents?

Mr. LEECH. In some districts there is not any; in other districts there is some friction. I will state that about a year ago I wrote to the county superintendent of our county and asked him why there were not more Indian children enrolled in the public schools than there were, and he stated that they were not wanted.

The CHAIRMAN. That was the county superintendent?

Mr. LEECH. Yes, sir.

The CHAIRMAN. And I suppose you drew the inference from that that the policy of the public-school administration in that county was to discourage rather than to encourage the Indians entering the public schools?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Are you satisfied with conditions on that reservation with reference to school facilities for the Indians?

Mr. LEECH. Reasonably so at the present time. We have more children in school this year than have ever attended school before.

The CHAIRMAN. How many pupils would that boarding school accommodate?

Mr. LEECH. It would not accommodate any more.

The CHAIRMAN. It is at its full capacity now?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Are there pupils that would like to attend school who have not the opportunity of doing so?

Mr. LEECH. Yes, sir; we could enroll more pupils in our school.

The CHAIRMAN. Do you think some provision ought to be made for those anxious and willing to attend school?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Do you know any means of ascertaining how many, approximately, more children would enter the schools if the facilities were afforded?

Mr. LEECH. I think I could tell you approximately. I think we would have no trouble in enrolling from 30 to 40 or perhaps 50 more.

The CHAIRMAN. Who is in charge of that school?

Mr. LEECH. A man by the name of S. A. Louden.

The CHAIRMAN. How many teachers have they?

Mr. LEECH. Two teachers.

The CHAIRMAN. What do they teach in the boarding school?

Mr. LEECH. They teach up to the sixth grade, following the South Dakota course of study, the same as they follow in the public schools.

The CHAIRMAN. Have you an officer called a "farmer" on that reservation?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Who is he?

Mr. LEECH. His name is Fergus H. Cron. The position has heretofore been vacant. I was just informed to-day in the office that they had transferred Mr. Cron to that place.

The CHAIRMAN. How long did you say he had been there?

Mr. LEECH. The transfer was just made to-day.

The CHAIRMAN. Who was there before?

Mr. LEECH. A man by the name of Leonardo H. Cook.

The CHAIRMAN. How long had he been there?

Mr. LEECH. He had been there since about last May.

The CHAIRMAN. What were his duties?

Mr. LEECH. He has charge of the farm and stock.

The CHAIRMAN. What farm do you mean?

Mr. LEECH. The school farm.

Senator LANE. Do you have an agricultural department with your boarding school?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Now many pupils are in that department?

Mr. LEECH. The farm detail consists of from 8 to 15 boys, according to their ages.

The CHAIRMAN. Is it the plan to detail a certain number for a given period?

Mr. LEECH. Yes, sir.

The CHAIRMAN. And then relieve them by making changes.

Mr. LEECH. The detail is changed.

The CHAIRMAN. What interest do they take in that study?

Mr. LEECH. The larger boys take considerable interest in that, caring for the stock, etc.

The CHAIRMAN. Have you any instruction in that school in what may be termed domestic science or housekeeping, or anything of that sort?

Mr. LEECH. Not very much.

Senator LANE. You only have two teachers?

Mr. LEECH. That is all.

The CHAIRMAN. They do not undertake to do anything, I suppose, in vocational work?

Mr. LEECH. Not very much.

The CHAIRMAN. It does not reach that high?

Mr. LEECH. No, sir.

The CHAIRMAN. How is the indigent Indian population handled—who has control of that branch of the work, and how do you handle it?

Mr. LEECH. It is handled largely directly from the office.

The CHAIRMAN. From your office?

Mr. LEECH. Yes, sir. We have two farmers, whose business it is, when they make their rounds over the reservation, to report any cases that need particular attention, and attention is given from the office. At other times the Indians apply themselves.

The CHAIRMAN. Do you issue rations?

Mr. LEECH. Not very many. We issue rations to about from 12 to 20 Indians.

The CHAIRMAN. What do the rations consist of?

Mr. LEECH. Flour, bacon, beef, beans, and coffee.

Senator LANE. How much constitutes a ration?

Mr. LEECH. They are given about 3 pounds of beef a week or a pound and a half of bacon, and about 5 pounds of flour, and a pound of beans, and from a half pound to a pound of sugar.

Senator LANE. Do they get fat on that?

Mr. LEECH. No.

The CHAIRMAN. Are complaints among the Indians on that reservation pretty extensive or pretty numerous?

Mr. LEECH. How is that?

The CHAIRMAN. Are there many complaints from the Indians of that reservation to you?

Mr. LEECH. No; I can not say there are. Most of our Indians have individual Indian money—that is, money of their own—that they draw on for their support.

The CHAIRMAN. There is no emergency condition existing, at least with respect to any considerable number of Indians, requiring prompt consideration?

Mr. LEECH. No, sir. If you will pardon me, I can give you that. I have a table that I brought here for the commissioner's information. I might give you a little information from that.

The CHAIRMAN. I would like for you to do it.

Mr. LEECH. We have 200 Indians that are 60 years old and over.

The CHAIRMAN. Right there, before you leave that, what number of them are indigent and require assistance?

Mr. LEECH. I was just coming to that.

The CHAIRMAN. All right; proceed in your own way.

Mr. LEECH. There are 183 who draw monthly checks from their money.

The CHAIRMAN. How much do they draw?

Mr. LEECH. They draw monthly checks amounting to \$2,973. There has been expended for living expenses an average of \$7,019.64 per month. During the past 18 months, since July 1, 1912, there has been expended for living purposes the sum of \$126,353.45; and during that time there has been expended for permanent improvements, such as buildings, farm implements, furniture, wells, fencing, etc., the sum of \$130,306.73, making a total expenditure during the last 18 months of \$256,660.18.

The CHAIRMAN. Have you a property man there at the agency?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Who is he?

Mr. LEECH. Mr. W. W. Ewing.

The CHAIRMAN. Who keeps the accounts there—have you a book-keeper?

Mr. LEECH. Property accounts?

The CHAIRMAN. Yes.

Mr. LEECH. Mr. Ewing keeps the property accounts. These figures which I have given you are taken from the records of the financial clerk.

The CHAIRMAN. Who is the financial clerk?

Mr. LEECH. C. A. Gossett.

The CHAIRMAN. How many helpless Indians do you know of on the reservation?

Mr. LEECH. Practically all that are helpless are so from blindness. We have perhaps 10 or 12 who are virtually helpless.

The CHAIRMAN. Totally blind?

Mr. LEECH. Blind and crippled and so on.

The CHAIRMAN. Is that caused by trachoma?

Mr. LEECH. I presume so.

The CHAIRMAN. Has the physician there suggested to you or have you suggested to him any plan to try to reach that condition?

Mr. LEECH. Trachoma?

The CHAIRMAN. Yes.

Mr. LEECH. There has been some correspondence relative to the establishment of a hospital there relating to that.

The CHAIRMAN. A camp hospital?

Mr. LEECH. A reservation hospital.

The CHAIRMAN. Could the trachoma and tuberculosis hospital for that reservation be combined, or would they have to be separate?

Mr. LEECH. One hospital, with the patients kept in wards.

The CHAIRMAN. Have you made any estimates, or has anyone called upon you to make an estimate as to what it would cost for a

hospital to reasonably provide for the patients that would likely be treated there within a year or two?

Mr. LEECH. No, sir; I have not been called upon. That matter was discussed with Supervisor Davis when he was with us something over a year ago, and he said he would take the matter up, and it was reported that on account of the insufficiency of funds we could not expect to get a building.

The CHAIRMAN. What agency buildings have you there? Give me a general description and state what is their condition.

Mr. LEECH. We have an office building, in very fair condition; we have eight employees' cottages, in generally fair condition; we have two commissaries, one of them in fair condition, the other very poor and not in use; we have a carpenter shop and a lumber building and barn, and police quarters, and the old agency cottage and the old office building. The old office building is used as quarters for police, and the old agency cottage is used as a hospital.

The CHAIRMAN. Just what are your activities there—your official duties?

Mr. LEECH. A little of everything.

The CHAIRMAN. I suppose you have general supervision of the entire work there?

Mr. LEECH. Yes, sir.

The CHAIRMAN. What area of land was cultivated last year on the farm, and what crops were raised?

Mr. LEECH. By the Indians on the school farm?

The CHAIRMAN. On the school farm.

Mr. LEECH. There were about 60 acres cultivated last year; of that, about 45 acres was in corn and about 15 acres in oats. In addition to that we have about 13 acres of alfalfa.

The CHAIRMAN. What did you produce on that farm—how much of those respective crops?

Mr. LEECH. Our corn averaged about 30 bushels to the acre; our oats about 35.

The CHAIRMAN. What did you do with it?

Mr. LEECH. We fed the corn to our hogs and are feeding our oats to our horses.

Senator LANE. About the hogs, how many of those have you?

Mr. LEECH. We still have about 30.

Senator LANE. How many did you have last fall?

Mr. LEECH. We have marketed about 35 this year.

Senator LANE. What is done with the money from those hogs?

Mr. LEECH. The money goes into what we call "Class 4. funds," derived from the sale of products raised on the farm, and we use those funds for the purchase of things for the up-keep of the farm and making general improvements around the schools.

Senator LANE. How many acres are there in the farm?

Mr. LEECH. About 60.

The CHAIRMAN. What were the total proceeds from the property that you sold last year from the farm, if you know—the last crop year?

Mr. LEECH. I judge about \$700.

Senator LANE. How much did it cost to run it?

Mr. LEECH. It depends on whether you count in the farmer's salary.

Senator LANE. He worked on it, did he not?

Mr. LEECH. Yes.

Senator LANE. You will have to count that.

Mr. LEECH. The farmer's salary is \$720 a year. The feed for the stock, I judge, cost \$1,000 or \$1,200.

Senator LANE. In all?

Mr. LEECH. Yes.

Senator LANE. Then you went behind on it about \$500?

Mr. LEECH. Well, we have some stock we have not sold. We probably broke even, counting the increase of stock.

The CHAIRMAN. And that counts in the farmer's salary?

Mr. LEECH. Yes.

The CHAIRMAN. How is this property account kept; just what record is made of it?

Mr. LEECH. When anything is sold we have to have a voucher signed by the purchaser, stating that he paid so much and no more for the property, and an affidavit must be made by myself stating that that property was sold at the highest market price on that date, and those vouchers are submitted with the amount of funds that is taken in from that.

The CHAIRMAN. Do you make sales yourself or are they made by the farmer, as a matter of actual practice?

Mr. LEECH. Yes.

The CHAIRMAN. Which?

Mr. LEECH. I have to make a certificate to that, too. The farmer makes one, and I do also.

The CHAIRMAN. Which one of you actually makes the sale, as a rule?

Mr. LEECH. I make the sale.

The CHAIRMAN. The responsibility is on you?

Mr. LEECH. Yes, sir.

The CHAIRMAN. As a matter of practice, he negotiates the sale, does he not?

Mr. LEECH. He delivers the stock and hauls them off to market; he delivers them, but everything is made out in my name.

The CHAIRMAN. You do not sell any corn or hay, but use it on the farm?

Mr. LEECH. Yes, sir.

The CHAIRMAN. And practically everything you do sell consists of live stock, and principally hogs?

Mr. LEECH. Yes, sir.

The CHAIRMAN. If you had hogs for sale, just how would you proceed to sell them?

Mr. LEECH. We call up the hog buyer, and our nearest market is at Wagner, and find out what the market is on that day.

The CHAIRMAN. How many sales of hogs have been made since you have been there; do you know?

Mr. LEECH. Hogs sold?

The CHAIRMAN. Yes.

Mr. LEECH. We have made three sales this year and sold, I think, twice last year.

The CHAIRMAN. Were those sales all made to one person or were they made to different persons?

Mr. LEECH. Most all of them were made to one person. The Farmers' Cooperative Association of Wagner shipped one carload to Sioux City. They shipped them for us and sold them on the market there.

The CHAIRMAN. What did you usually get for them during the last season?

Mr. LEECH. We received \$7.10 a hundred for the last we sold; \$7.07 for some and \$6.90 for some.

Senator LANE. Was that the regular market price?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Mr. Leech, when property is destroyed or when live stock belonging to the agency dies, how do you keep the record of that?

Mr. LEECH. The farmer makes an affidavit of the death of an animal, whatever it is. There is a regular form that fits that.

The CHAIRMAN. The regulations of the bureau prescribe how that shall be done?

Mr. LEECH. Yes, sir.

The CHAIRMAN. And the farmer makes an affidavit. With whom does he file that affidavit?

Mr. LEECH. The affidavit is filed at the office first, and is transmitted with our quarterly accounts to the department.

The CHAIRMAN. Coming now to those quarterly accounts, do you keep any permanent record of the quarterly accounts? Do you keep any books?

Mr. LEECH. Yes, sir.

The CHAIRMAN. I will say in this connection that at some of the agencies we have asked these questions, and it appeared that no record whatever is kept except simply the quarterly accounts, and it is in the nature of a very temporary record. You keep a permanent record, do you? For instance, if I were to ask you the number of hogs that died during a certain quarter or were sold during a certain quarter in 1912, could you tell me; and, if so, from what would you get the information?

Mr. LEECH. I would get the information from our property records, those kept there by the property clerk in the property book.

The CHAIRMAN. The property book, what is that—describe it in a general way?

Mr. LEECH. It is a memorandum book.

The CHAIRMAN. Is it a ledger or something like that?

Mr. LEECH. An ordinary blank book or ledger.

The CHAIRMAN. You do not keep it, then, simply on loose sheets?

Mr. LEECH. No, sir; we have a property book.

The CHAIRMAN. Do you know what the department requirements in that particular are? I do not suppose you do. Do they require you to keep a permanent record of the property?

Mr. LEECH. I do not think they do; I do not think we are required to keep anything except duplicates of our reports that we send in to the department.

The CHAIRMAN. But, as a precaution, you do keep a permanent record?

Mr. LEECH. Yes, sir.

Senator LANE. Right at that point, I would like to ask a question. Does the farmer, who is paid \$700, do all the farm work, or does he have any help?

Mr. LEECH. He has the help of the larger boys.

Senator LANE. How many of them does he use, do you think?

Mr. LEECH. From four to six or eight.

Senator LANE. How many teams does he use?

Mr. LEECH. They have four teams.

Senator LANE. Working on the farm—and who drives those?

Mr. LEECH. The farmer and the boys.

Senator LANE. In this cost or expense, the amount which it costs to run the farm, have you reckoned the team in that—use of the team, wagons, cultivators, and plows?

Mr. LEECH. I have not reckoned on the repair of those.

Senator LANE. Have you reckoned in the use of the teams?

Mr. LEECH. We raise our feed and we feed that, so that our feed does not cost anything additional.

Senator LANE. You do not charge off anything for the labor of the boys?

Mr. LEECH. No.

The CHAIRMAN. So that at any time in the future the amount of property on hand during a given quarter or at a given date can be ascertained from that book?

Mr. LEECH. I do not know that all of it could be ascertained from that book. There are some supplies in the warehouse that I am inclined to believe are not kept on that book. But the farm property and such property as that is kept on that book.

The CHAIRMAN. What is the source of your water supply there, Mr. Leech?

Mr. LEECH. The river furnishes the water.

The CHAIRMAN. The Missouri River?

Mr. LEECH. Yes, sir; we have a pumping station.

The CHAIRMAN. What is its condition generally? Is there any contamination?

Mr. LEECH. No; I can not say that there is. The pumping plant is not located where I would have located it if I had been locating it in the first place. It is down a little below the agency when it should have been located above.

Senator LANE. Do you ever have typhoid fever?

Mr. LEECH. No, sir.

The CHAIRMAN. The school gets its water supply from the same source?

Mr. LEECH. Yes, sir.

Senator LANE. Any sewage system?

Mr. LEECH. They have for the school.

Senator LANE. Where do you empty that sewage?

Mr. LEECH. Below the pumping plant.

Senator LANE. Into the river?

Mr. LEECH. Yes, sir.

Senator LANE. Do you have any wells there?

Mr. LEECH. No.

Senator LANE. All water is pumped from the river?

Mr. LEECH. Yes, sir.

Senator LANE. What kind of pump do you have? Steam?

Mr. LEECH. Yes, sir; and a tank up on the hill—a reservoir up on the hill.

The CHAIRMAN. Do you know Mr. Roy Bailey?

Mr. LEECH. Yes, sir.

The CHAIRMAN. What is his business?

Mr. LEECH. He and his father are conducting a general merchandise store there.

The CHAIRMAN. Have you any interest in that business?

Mr. LEECH. None whatever.

The CHAIRMAN. Have you ever had?

Mr. LEECH. None whatever.

The CHAIRMAN. Did you lend him money?

Mr. LEECH. Yes, sir; I loaned Roy Bailey some money a year or so ago for a little while.

The CHAIRMAN. Was it for the purpose of enabling him to conduct that business?

Mr. LEECH. No, sir; it was after he had purchased the business. He was feeding some cattle, and he needed to buy some grain to feed them through.

The CHAIRMAN. Did you buy any cattle with him or for him?

Mr. LEECH. No, sir.

The CHAIRMAN. Did you look over any cattle with him or for him with a view to buying them?

Mr. LEECH. No; I did not. He went out with me once. I was going out not far from the agency to look after some farming for the Indians. He had a motor cycle that he traveled around on, and I suppose it was out of order. He asked me if he could not ride along with me. First, he asked me where I was going. He did go out with me, and we stopped at one place and looked over some cattle. That was the only time he ever went out with me, or I was along with him when he looked at any cattle.

The CHAIRMAN. He kept the only butcher shop there, did he not?

Mr. LEECH. He had the only one for a while; yes. His brother is running one.

The CHAIRMAN. At the agency?

Mr. LEECH. Yes, sir.

The CHAIRMAN. They run rival shops?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Where is the nearest meat shop anywhere else than at the agency, if you know?

Mr. LEECH. Well, the nearest butcher shop outside of the agency is the town of Wagner.

The CHAIRMAN. About how far away?

Mr. LEECH. That is about 10 miles.

Senator LANE. Is there any other butcher shop on the agency?

Mr. LEECH. No. Well, there are two there.

Senator LANE. How do they come to be there? Are they Government establishments?

Mr. LEECH. No, sir.

Senator LANE. And they make their living by selling beef to the employees and to the Indians?

Mr. LEECH. Indians, and those white people living on the agency.

Senator LANE. Are there some white people living on the agency?

Mr. LEECH. Yes; quite a good many. Settlers around there go to the agency to trade.

The CHAIRMAN. Do the Indians around the reservation buy their meats at Bailey's shop?

Mr. LEECH. No; I can not say they do. I do not think they buy half there. They buy at Wagner or any other place.

The CHAIRMAN. Where do the old Indians, or the Indians who are dependent on your office for their money and rations, get their meat?

Mr. LEECH. Some of them buy from the agency, some at Wagner, some at Lake Andes, some at Ravina, and all those towns.

The CHAIRMAN. Some at the agency?

Mr. LEECH. Yes, sir.

The CHAIRMAN. What kind of stock did Mr. Bailey keep, or does he keep? What was its condition, for instance, last summer when Mr. Sloan was out there?

Mr. LEECH. Why, his shop was about like all country shops. Not as up to date as a shop would be run in a city or town, but it was fair as far as sanitary conditions were concerned.

The CHAIRMAN. It was clean, was it?

Mr. LEECH. Yes, sir; reasonably so.

The CHAIRMAN. Has he constructed a new building?

Mr. LEECH. He is constructing a new building.

The CHAIRMAN. He is building?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Did you see the slaughter house, for instance, during last summer?

Mr. LEECH. I saw it once or twice; twice, probably.

The CHAIRMAN. What was its condition?

Mr. LEECH. The last time I saw it it was not very good. I told Mr. Bailey he would have to repair it. The floor was broken pretty bad, and he afterwards put in a new floor there. That was some time—I think it was August or September.

The CHAIRMAN. And the animals hung up in there, and did the offal and drippings from them run through the holes in that floor?

Mr. LEECH. Well, the floor was broken. When I saw it, he told me that it had just been broken just before that. That was the condition at that time.

The CHAIRMAN. How long had that slaughterhouse been in that condition?

Mr. LEECH. In that condition?

The CHAIRMAN. Yes.

Mr. LEECH. I do not know. It had been probably two or three months since I had been up there before, and it was not in that condition then.

The CHAIRMAN. When did you say you went there?

Mr. LEECH. It was some time in the summer; in August, probably.

The CHAIRMAN. Do not the laws of that State require that slaughterhouses have cement floors, or do you know?

Mr. LEECH. No; I do not know about that.

The CHAIRMAN. Was your attention ever called to that?

Mr. LEECH. No, sir.

The CHAIRMAN. Well, do you know what the requirements of the health board of South Dakota are in that particular?

Mr. LEECH. No; I can not say that I do. I can not say that I have ever seen those.

The CHAIRMAN. Don't they require that the walls be whitewashed and that they have cement floors? You do not know, though?

Mr. LEECH. No; I could not say.

The CHAIRMAN. Did you visit this slaughter house in August and September of last year?

Mr. LEECH. I think it was some time about that time.

The CHAIRMAN. Did you see maggots in the offal or filth there in the slaughter house?

Mr. LEECH. No; I did not see that. There was blood on the boards just after he butchered. There was quite a lot of blood there. It was not in very good condition.

Senator LANE. Fresh blood or old blood?

Mr. LEECH. Yes.

Senator LANE. No old blood?

Mr. LEECH. Oh, I suppose there was some old blood there, too. The floor was covered.

The CHAIRMAN. Do you know how he undertook to keep it clean, if he undertook to do it?

Mr. LEECH. He scrubbed it out. That is the way he used to do.

The CHAIRMAN. Did you make any objection to anybody else keeping a butcher shop there or slaughter house? I mean, anybody else than Bailey?

Mr. LEECH. Well, I objected to Ed Bailey selling meats there at one time?

The CHAIRMAN. Why?

Mr. LEECH. There had been trouble between the Baileys. Ed Bailey and this R. D. Bailey were brothers and there was trouble in the Bailey family, and I thought at the time that perhaps a rival shop between the brothers would result in more.

Another reason why I objected to another shop—my predecessor when he was there claimed that two or three parties had sold meat, and they were out of meat a good share of the time and it was very unsatisfactory. I noticed that from the correspondence. Also, the first summer I was there Mr. Roy Bailey and George F. Bailey were selling meat and they were getting meat about the same time, and some of it spoiled and then they would be out of meat for a while. And there was a whole lot of dissatisfaction on the part of employees there at the agency. Sometimes they wanted meat and could not get it. Ed Bailey came to me and asked me if I would recommend him for a license. I told him that if he would buy out Roy or the other man I would do so.

The CHAIRMAN. Don't you think competition in that matter would tend to better the service?

Mr. LEECH. It did not prove so when they had competition?

The CHAIRMAN. I believe you said that both the Baileys are running shops now. It has not resulted in any trouble?

Mr. LEECH. No. Ed did not begin until cold weather this fall. He had no ice.

The CHAIRMAN. What kind of a shop does he keep?

Mr. LEECH. Oh, he has a little square building there, 12 or 14 feet square, that he keeps his meat in, and a few groceries.

The CHAIRMAN. Did Roy Bailey get the butcher shop after or before you took the agency?

Mr. LEECH. Afterwards.

The CHAIRMAN. About how long?

Mr. LEECH. Nearly a year.

The CHAIRMAN. Did you furnish the money or any part of it to buy it?

Mr. LEECH. No, sir.

The CHAIRMAN. Did your assistant raise it?

Mr. LEECH. No, sir.

The CHAIRMAN. Did you have any interest in the business or the profits from it?

Mr. LEECH. None whatever.

The CHAIRMAN. Do you know anything about an incident, by rumor or information, in which an Indian was killed by being shoved from a precipice of some sort by Roy Bailey? Did you hear of it?

Mr. LEECH. Recently?

The CHAIRMAN. Yes.

Mr. LEECH. Yes. There was an old lady fell, Christmas night, I think it was, and broke her leg, and a short time after that she developed pneumonia—so the doctor pronounced it—and died. That is the only instance of that kind.

The CHAIRMAN. Do you know anything about Mr. Bailey taking a barrel of beer that he had purchased to the Pratt place near the agency and having a drinking spree?

Mr. LEECH. No, sir: I do not know anything about Bailey taking it there. I heard that Mr. Estes took a barrel of beer there and they had a drinking spree.

The CHAIRMAN. Who do you mean by "they"?

Mr. LEECH. Mr. Estes and Mr. Bailey and Charley Pratt—well, I don't know.

The CHAIRMAN. Was it on the reservation?

Mr. LEECH. No, sir.

The CHAIRMAN. Do you know Sarah Bull?

Mr. LEECH. Yes, sir.

The CHAIRMAN. What is her condition?

Mr. LEECH. Sarah Bull is an old lady that is in a rather decrepit condition at the present time. She makes her home with her son, Eugene Bull, part of the time, but Eugene's wife is abusive to her, so the old lady says, and she does not stay there only a part of the time. Part of the time she stays at the agency. She has a little house near the agency.

The CHAIRMAN. Do you require her to live in that house?

Mr. LEECH. I do not require her to. She lives there part of the time.

The CHAIRMAN. She lives there when she is not with here relatives?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Who built that house?

Mr. LEECH. It was built——

The CHAIRMAN. I mean, was it built with her money?

Mr. LEECH. I presume so. It belongs to her.

The CHAIRMAN. It was built before you saw it?

Mr. LEECH. Before I went there; yes, sir.

The CHAIRMAN. Did you do anything for her besides making a monthly payment?

Mr. LEECH. Yes, sir. I have a woman staying there with her part of the time named Belle Kitteau.

The CHAIRMAN. Do you know whether she was taken by the police back to that house when she was staying with her relatives: and, if so, why was that done?

Mr. LEECH. No; I do not know about that. I do not think she was. I am quite sure the police did not take her back there.

The CHAIRMAN. Do you know, after she had received her September check, on or about the 6th of that month, and was returning home, whether she was picked up unconscious and taken to the home of her relatives?

Mr. LEECH. It was never reported to me.

The CHAIRMAN. Do you know whether she complained that while she stayed at that house she could not get fuel or water or food, and suffered a great deal from neglect and discomfort?

Mr. LEECH. She told me a time or two that she was not getting water as she needed it, and I instructed the police to see that water was delivered to her. The way those people get water over there is to have it hauled from the river, and they have two or three fellows there that haul water around to those people when they need it.

The CHAIRMAN. Did you send the police up to her and require them to take her to that house and require her to stay there?

Mr. LEECH. No. Let me qualify that a little. I told the police to tell her once that she would have to move to the agency where we could look after her a little better. She complained that she was not getting anything to eat; that she was starving out where she was; but her son, I felt satisfied, was getting her monthly check and spending it. That was Eugene. I know he was about that kind of a fellow. They lived out about 4 or 5 miles from the agency. I told the police to tell her she had better move down to the agency where she would be away from him and where we would know she got the use of the monthly check.

The CHAIRMAN. Do you know how he treated her?

Mr. LEECH. No.

The CHAIRMAN. Did she make any complaint to you about his treatment of her?

Mr. LEECH. No, sir; and I feel reasonably sure the police never mistreated her. She is an old, old woman.

The CHAIRMAN. Is she living or dead now?

Mr. LEECH. She is living.

The CHAIRMAN. Still living?

Mr. LEECH. Oh, yes.

The CHAIRMAN. Where is she now? At the agency?

Mr. LEECH. Yes.

The CHAIRMAN. How is she now? Does she make complaints still?

Mr. LEECH. No; I saw her about a week ago. She has a sore heel which is in bad condition. The doctor was up not long ago, and he said he did not think he could ever cure it; if she was not so old he would advise her to go to the hospital and have her foot amputated.

The CHAIRMAN. Do you know how old she is, or claims to be?

Mr. LEECH. She is 80 past.

The CHAIRMAN. Do you know an Indian by the name of Adam Hero?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Did you cancel his lease for \$330 a year to a man by the name of Shaffer, or Sheefer?

Mr. LEECH. Yes, sir; I think so.

The CHAIRMAN. Was he declared competent?

Mr. LEECH. He was declared noncompetent.

The CHAIRMAN. You declared him noncompetent?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Do you know how long he had been leasing and collecting rent?

Mr. LEECH. No; I do not know how long he had been on the competent list; but I know why I recommended that he be taken off the competent list. He complained to me at one time that the man who had his land owed him some money, and I sent out for that man to come in. Then he came in. He produced a receipt from Adam Hero—signed by Adam Hero—for all the rent due on the land and a little bit more. He produced a receipt for \$500. Adam Hero can just write his name, and that is all. He can not read writing and can not write anything else except just write his name in a manner.

That was his signature on the receipt all right. He acknowledged that, but he claimed he did not know how much the receipt amounted to. He claimed at the time that he never received that amount. I called this man in again, and he brought in a man by the name of Weedy, I think it is, who claimed that he saw—well, he had some of the checks given to Adam, and he had seen other amounts paid over to him—to prove that he had been paid this amount. On the strength of that, and the old man not knowing how much he had gotten when he signed this receipt, I recommended that he be taken off the competent list and that the money be paid into the office so we would know whether he was getting value received for his land or not. That is the Adam Hero situation.

The CHAIRMAN. Did you take any testimony regarding his competency, or just determined it from the facts you have stated?

Mr. LEECH. I determined it largely from the facts I have stated that I did not consider a man who would sign receipts and not know how much they called for—that he was not competent to collect his money.

The CHAIRMAN. You did not make any record, I suppose, of any evidence in that connection?

Mr. LEECH. We have, I think, in the office, duplicates of the receipts that he signed, and some—

The CHAIRMAN. You never examined any witnesses, I suppose, did you?

Mr. LEECH. Other than Adam and the writer and this man Weedy.

The CHAIRMAN. Have you many cases of that sort during a given period of Indians who have been declared competent and whom you find it necessary to restore to the incompetent list?

Mr. LEECH. No. Let me see. I do not recall any others. There may have been one or two others that have been taken off the competent list.

The CHAIRMAN. Did you have him before you at any time while you were considering cancelling his lease?

Mr. LEECH. Yes; he was down two or three times during that time, and the farmer stationed at Lake Andes also helped to investigate that. I think he was in a time or two.

The CHAIRMAN. Did one Harry Hardman ask that this action be taken?

Mr. LEECH. No; I do not recall that Hardman ever interfered in it at all.

The CHAIRMAN. Do you know him?

Mr. LEECH. Yes, sir.

The CHAIRMAN. What is his business?

Mr. LEECH. Hardman is at present an attorney of Lake Andes. He used to be a clerk there in the office at the agency.

The CHAIRMAN. What is Hero's general condition, Mr. Leech? Is he diligent and industrious?

Mr. LEECH. No; I can not say that he is. He does not work much, if any. The old man would have been better off, I think—that is my opinion—if he had been taken off the competent list before, because he had leased his land a couple of years in advance and collected the rental and used up that money for that length of time. Of course, he is hard up now, as some of our other Indians are who lease their land in advance and collect the money for it.

The CHAIRMAN. Did the action which you took destroy his credit or ability to get credit?

Mr. LEECH. Oh, no; I do not see how it could.

Representative STEPHENS. Did he have any credit prior to that?

The CHAIRMAN. Yes; that is a proper question.

Mr. LEECH. I would think so. I do not know how the old man's credit stood at the town of Lake Andes. He lives up northeast some miles, but I am quite sure that action did not have anything to do with his credit.

The CHAIRMAN. Did you make a lease for him?

Mr. LEECH. No; I have not made a lease for him. He makes his lease just the same as he did before—no more than we collect the money.

The CHAIRMAN. What does it pay now?

Mr. LEECH. I think it is leased for \$2.50 an acre now.

Senator LANE. Can he make a lease, being incompetent?

Mr. LEECH. Yes; he signs the lease. The incompetent Indians make the lease just the same as the competent Indians. Their lease money is paid into the office and then paid out to them, while the competent Indians collect the money themselves.

The CHAIRMAN. As a matter of fact, his land is leased now for about \$262.50 instead of \$330, is it not?

Mr. LEECH. I could not tell you about that.

The CHAIRMAN. Of course, you have to approve the lease, don't you?

Mr. LEECH. Yes, sir. I do not remember just what his land does bring.

The CHAIRMAN. Do you remember whether he is getting less now under your supervision than when he was on the competent list?

Mr. LEECH. I know he is getting more than he claimed he got.

The CHAIRMAN. I mean do you know whether he is getting more under the contract for the lease or less?

Mr. LEECH. I could not tell you without consulting the records about that. I have not that in my mind. That could be very easily determined, if the committee would like to know, by writing to the office there, and I will have the lease clerk give you the amount that his old lease calls for and the amount his new lease calls for.

Representative STEPHENS. By whom was this Indian declared competent?

Mr. LEECH. I do not know. When I took charge of that agency we had what was called competent and noncompetent lists—two lists there in the office—made up several years ago by some one there at the agency and approved by the Commissioner of Indian Affairs.

Representative STEPHENS. Then, your act, in effect, nullified the action of the Commissioner of Indian Affairs?

Mr. LEECH. Oh, no.

Representative STEPHENS. When you set aside the lease——

Mr. LEECH. I did not do that without the approval of the Commissioner of Indian Affairs. I recommended that to the commissioner, and he approved it.

Representative STEPHENS. Then you did not undertake to do it yourself?

Mr. LEECH. Oh, no; it is approved by the commissioner.

The CHAIRMAN. To whom is his land now leased?

Mr. LEECH. I could not tell you that.

The CHAIRMAN. Do you know who gets the check for his lease or the proceeds of it now—who actually receives it?

Mr. LEECH. Yes, sir; he gets it from the office.

The CHAIRMAN. Is any of it paid to Mr. Harry Hardman?

Mr. LEECH. None; no, sir.

Senator LANE. Is it paid to Hero himself?

Mr. LEECH. Yes, sir.

Senator LANE. I understood you a while ago that they were paid to you.

Mr. LEECH. They are paid to me, and then he draws the money from the office.

The CHAIRMAN. The present lease in force, by lease from Adam Hero, shows on its face that it is for \$262.50. The old lease, the one that was canceled, was for \$330, was it not?

Mr. LEECH. I am under the impression that that \$262.50 does not cover exactly all the land under the old lease, but I would not say positively about that.

The CHAIRMAN. What was done with the other land that was in the old lease?

Mr. LEECH. He perhaps reserved part of it or is keeping some of it.

The CHAIRMAN. Do you recall about that?

Mr. LEECH. No; I could not say that positively. No, sir; I would not, because that is a matter that I have not charged my mind with, and I do not want to be so understood.

The CHAIRMAN. He had been declared competent by your predecessor?

Mr. LEECH. Some predecessor; yes, sir.

The CHAIRMAN. And that had been approved by the Secretary of the Interior and the Commissioner of Indian Affairs?

Mr. LEECH. No, sir; not by the Secretary of the Interior.

The CHAIRMAN. Does not the Secretary of the Interior approve those recommendations, formally at least?

Mr. LEECH. I think they just go as far as the commissioner.

The CHAIRMAN. Just go to the commissioner?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Did a man by the name of Macfarland attempt to make a lease of this land earlier in the summer of 1912?

Mr. LEECH. Macfarland?

The CHAIRMAN. Yes.

Mr. LEECH. I do not know.

The CHAIRMAN. Do you recall notifying him that it was already leased, and before a new one could be made Hero would have to be declared incompetent and the old lease canceled?

Mr. LEECH. No, sir; I did not notify him that. The lease clerk may have told him that. I do not have any recollection of talking with Macfarland about it at all myself.

The CHAIRMAN. Was that lease canceled before the crop was harvested?

Mr. LEECH. I can not say as to that.

The CHAIRMAN. Did you compel Hero to give back to Sheefer a team he had gotten, or not?

Mr. LEECH. Yes, sir. He had leased to him, I think, outside of the office—that was not on the lease that he had made to this other party.

The CHAIRMAN. I did not quite understand that, Mr. Leech.

Mr. LEECH. My recollection is that Hero had leased this land—made a deal for another year of this land to this man, and had already taken this team as a payment on that. We compelled him to give that team back, and then the land was leased and the rental collected by the office.

The CHAIRMAN. Do you know what crop Sheefer got from the land during the year you canceled the lease?

Mr. LEECH. No; I do not.

The CHAIRMAN. You would not know, then, whether he received \$1,500 from the wheat and 40 acres of corn, besides the pasture rental?

Mr. LEECH. No, sir; I would not. I am not prepared to give you very much in the way of figures on that. If I had known that you wanted anything of that kind I could have gotten it all right; part of it from the records, and part from inquiry from parties there.

The CHAIRMAN. Do you know how much was paid in advance on this \$262.50 lease now in force? Was there \$215 paid of it?

Mr. LEECH. You mean how much he has received of that?

The CHAIRMAN. No; how much was paid by the present lessee. Of the \$262.50, how much was paid in advance?

Mr. LEECH. I will have to answer you by saying that I do not know.

The CHAIRMAN. Do you know to whom that was paid?

Mr. LEECH. I presume it was paid into the office.

The CHAIRMAN. Now, do you know what was done with it after it was paid into the office?

Mr. LEECH. It must have gone back to Hero.

The CHAIRMAN. Do you know whether or not \$115 was paid by check to Harry Hardman, by check of W. I. Macfarland, under date of January 7, 1913, and \$100 by check of J. E. Macfarland to W. J. Macfarland, under date of September 30, 1912?

Mr. LEECH. No, sir; I do not know.

The CHAIRMAN. Have you a record of what your office did with it; how much you received?

Mr. LEECH. Yes, sir; we have a record there in the office. Our lease rolls show all the moneys that come in and all the moneys disbursed—what is done with them. But I can not carry that in my head.

I just wish to say, Senator, that I appear somewhat ignorant in answering these questions, but I had no idea, of course, that any such questions as these would ever be brought up. Consequently I never took the pains to charge my mind with it all. But since from the drift of your questions I see where it does not look just right, I am willing to furnish a complete report of this transaction, a sworn statement; or, if any of the members of the committee wish to go into that matter—

The CHAIRMAN. If you will look it up—have you any special recollection of the transaction surrounding the Adam Hero leases?

Mr. LEECH. The only recollection I have at all—that is particularly—concerning the Adam Hero lease is the fact that I recommended he be taken off the competent list. I remember that particularly. And I remember the reason why I did that. But the other transactions seemed to be of a very ordinary nature and consequently I never charged my mind with them. They were handled, of course, by the lease clerk, and, while I am responsible for those actions, yet many of these transactions occur of which I have no direct knowledge.

The CHAIRMAN. Now, if this is the only instance where you have found it necessary to declare an Indian incompetent who has heretofore been declared competent, and if this action was for the protection of the Indian, would it not occur to you that you ought to exercise at least ordinary diligence, and rather more than that, to see that his rights were protected?

Mr. LEECH. Well, when these leases are made by an incompetent, and the money paid into the office, we feel that his rights are protected, because we know then how much money is paid for his land. Otherwise we do not know.

The CHAIRMAN. Now, you are sure that that money was paid into the office? That is one question I wanted to ask you. Or have you any recollection about it? The usual course would have been to pay it into the office, but in this particular transaction do you really remember just how it was?

Mr. LEECH. No, sir; but I would say that it was paid into the office.

The CHAIRMAN. But the only thing you can state is—

Mr. LEECH. That that is the regular way.

The CHAIRMAN. And you have no recollection of its pursuing a different course?

Mr. LEECH. No, sir.

The CHAIRMAN. Now, when you go back home, at your leisure you may look up your record and send a detailed statement explain-

ing the whole course of that transaction as far as your records show it.

Mr. LEECH. Yes, sir; and I will even go further than the records show, if you wish me. I will take a statement of a farmer who is in charge of that district up there, and from Mr. Hardman and Mr. Macfarland, too, if you wish it, and from my lease clerk.

The CHAIRMAN. I have Mr. Macfarland's statement—

Mr. LEECH. Oh, you have?

The CHAIRMAN. And it is on that, in part, that my questions are based.

Do you know an Indian woman by the name of Mrs. Brown-Thunder?

Mr. LEECH. Yes.

The CHAIRMAN. Is she competent or incompetent?

Mr. LEECH. She is noncompetent.

The CHAIRMAN. Do you know whether she and her sons sold any part of their lands?

Mr. LEECH. She had an estate that was divided up here several months ago, or a year ago now—three or four months ago she had gotten possession of a part of it. It was probated, and final action taken on it by the officer.

The CHAIRMAN. Do you know whether she has received anything out of that land or not?

Mr. LEECH. Yes, sir.

The CHAIRMAN. How much?

Mr. LEECH. She has authority—well, I could not give you the exact figures on that, but her money is placed where—she is now drawing a monthly allowance out of it.

The CHAIRMAN. How much does she get? Do you know?

Mr. LEECH. No; but I think \$20 a month.

The CHAIRMAN. Do you know how much she has to her credit, or about how much?

Mr. LEECH. No; perhaps \$1,200 or \$1,400, I judge. I would not say that positively.

The CHAIRMAN. She is under your care?

Mr. LEECH. Yes, sir.

The CHAIRMAN. And you have full charge of her lands and rents and the moneys due her, and the leasing of her lands?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Her lands can not be leased without your approval?

Mr. LEECH. No, sir.

The CHAIRMAN. Has she been provided for out of the rents for this property, or have her lands been leased?

Mr. LEECH. She just a few months ago got authority where she could use her money.

The CHAIRMAN. Do you know how much land she has?

Mr. LEECH. No; I do not know.

The CHAIRMAN. Do you think it is true that she has about 200 acres?

Mr. LEECH. She would not have that much of her own. She might have some interest in inherited land.

The CHAIRMAN. Do you know what the rents and profits from it are?

Mr. LEECH. No; I do not. If it is farms it would draw about \$2 or \$2.50 an acre. If it is grazing land it would be about 75 cents to \$1.

The CHAIRMAN. Is it a fact that she has been an object of charity in that neighborhood there?

Mr. LEECH. No—well, she might have been for a little while, before her land sale was approved and before the money was placed to her credit so she could draw on it. I think perhaps there was three or four months there that the old lady did not have any money that she could draw on. But her sale was approved here some time ago, several months ago, and she is now drawing a monthly allowance.

The CHAIRMAN. She is comfortable now, and being provided for?

Mr. LEECH. Yes.

The CHAIRMAN. She is entitled, I suppose, to a support out of her property, if it is sufficient to afford it?

Mr. LEECH. Yes.

The CHAIRMAN. Do you recall any instance in which you prevented any of the Indians on that reservation from leasing their lands?

Mr. LEECH. No; unless it would be somebody required by the regulations to reserve a certain amount of their land for their own use. The regulations provide that they must reserve a certain portion of the allotment for their own use. I may have refused to allow them to lease all of the land.

The CHAIRMAN. Who is your subagent at or near Lake Andes?

Mr. LEECH. Mr. E. H. Benjamin.

The CHAIRMAN. Has any information come to your knowledge, or charges made, that he has been receiving money from farmers about the reservation for favorable action at the agency?

Mr. LEECH. No, sir. I never knew anything about that or heard about that until Mr. Sloan was around this fall. I was told by a party that drove him around that he was inquiring about that. That is the only information I have.

The CHAIRMAN. How far is that subagent from your main agency?

Mr. LEECH. Twenty-two miles.

The CHAIRMAN. How often do you go there?

Mr. LEECH. Along in the summer I was up there every week or two.

The CHAIRMAN. When was the last time before you came down to Washington?

Mr. LEECH. Oh, I have not been there for over two months.

The CHAIRMAN. Are you kept pretty close at the agency?

Mr. LEECH. Yes, sir; I am. I really ought to be there more than I am, because there is never a day when I am out but that a lot of people come, claiming that they did not get to see me, that I was gone. But I have visited all parts of the reservation several times, and I get out whenever I feel that I can get away from the office and go out.

The CHAIRMAN. What proportion of time do you spend away from your office in a year, Mr. Leech, would you say?

Mr. LEECH. During the summer and early fall I was out perhaps one-quarter or one-third of the time; maybe nearly one-half.

The CHAIRMAN. Did you see Mr. T. L. Sloan when he was out there?

Mr. LEECH. Yes, sir.

The CHAIRMAN. You knew of his having taken some statements from some Indians who were making some complaints, did you not?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Have you interviewed them since?

Mr. LEECH. Some I have. I interviewed two or three, or three or four, or something like that.

The CHAIRMAN. Have you criticized these parties for making statements to Mr. Sloan at times?

Mr. LEECH. No, sir; never but one; and I did not criticize him, exactly. I told him that if he made such a statement as was reported to me that he had made, he had no business doing it, because it was not so.

The CHAIRMAN. Who was that?

Mr. LEECH. A man by the name of Iron Bear.

The CHAIRMAN. Did you know of anyone else making any threats toward these witnesses, or anything of that sort?

Mr. LEECH. No, sir.

The CHAIRMAN. What statement was it that you remonstrated with Iron Bear for making?

Mr. LEECH. I understood that he told Mr. Sloan, or made a statement to Mr. Sloan, that I told him if he did not go to Lake Andes and make an affidavit against Mr. Estes I would put him in jail. I understood that he told Mr. Sloan that. I asked him if he did tell him that, and he did not exactly deny it; and I told him that he knew that that was not so, that he had no business making such a statement as that.

The CHAIRMAN. Was that the only Indian whom you understood had made statements to Mr. Sloan? Was he the only one with whom you remonstrated for having made any statement?

Mr. LEECH. Yes, sir; that is the only one.

The CHAIRMAN. Who is the Mr. Estes to whom you have referred?

Mr. LEECH. Mr. Estes ran a trader store there at Greenwood.

The CHAIRMAN. How far is that from the agency?

Mr. LEECH. That is at the agency.

The CHAIRMAN. Is he an Indian?

Mr. LEECH. He is a mixed blood, a quarter breed.

The CHAIRMAN. There is some feeling, I take it, between you and Mr. Estes, is there not?

Mr. LEECH. Well, yes; it has developed into that finally.

The CHAIRMAN. Did you refuse Mrs. Sarah Bull, No. 2, and Mrs. Brown Thunder their usual money allowances after Mr. Sloan was there?

Mr. LEECH. No, sir.

The CHAIRMAN. Do you know whether it was stated there that you had done so because they made some statements?

Mr. LEECH. I am quite sure they were not refused their monthly allowances; they had drawn them regularly.

The CHAIRMAN. Do you know Supervisor Neal?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Was he there after Mr. Sloan was there?

Mr. LEECH. He was there during the time Mr. Sloan was there.

The CHAIRMAN. He was there at the same time?

Mr. LEECH. Yes, sir.

The CHAIRMAN. Do you know of his having talked with any of these witnesses and remonstrating with them for giving statements?

Mr. LEECH. No. Mr. Neale talked with one or two of the witnesses. They were all white witnesses. Mr. Neale talked to Mr. Ed. Bailey and, I think, Mr. Henry Frederick. Henry Frederick is a mixed blood. I do not know whether he talked to any others or not.

The CHAIRMAN. What inspectors from the Indian Bureau have visited your agency since you have been in charge?

Mr. LEECH. Mr. Charles L. Davis, Mr. W. W. McConihe, Mr. S. A. M. Young, Mr. Neale, and the assistant chief officer for the suppression of liquor; I do not recall his name.

The CHAIRMAN. How often does some inspector of the bureau visit the agency?

Mr. LEECH. Mr. Davis was the first man to visit me, in November, 1912. Mr. McConihe visited me, I think, in January, 1913, and in March, 1913. Mr. S. A. M. Young visited me some time, I think, along about December or January, 1912 or 1913. He visited me again in June or July this last year. Mr. Neale visited me in August.

The CHAIRMAN. What do these inspectors do when they visit the Yankton Sioux Agency? What work do they generally perform?

Mr. LEECH. They usually go over our books and look them over to see how they are being kept. They go over our property to see how that is being kept and looked after. They drive out around over the reservation to see about how conditions are there. They visit the school to see how that is being conducted, and the school farm and property there and so on. They sit around part of the time and look and listen.

The CHAIRMAN. You have presented me some affidavits.

Mr. LEECH. Yes, sir, Mr. Robinson. When I presented them to you I did not do it with a view of having them in the record at all.

The CHAIRMAN. That is what I wanted to ask you, if you cared to have them in the record. It is a little informal to put affidavits in the record; but, as far as I am concerned, if you ask it, they will go in.

Mr. LEECH. I wish to say, for the benefit of the gentlemen here, that the reason I have those affidavits here is that two of them were given to me because of claims they had against a party who visited out there, Mr. Sloan. This investigation by Mr. Sloan I can not but help feel was being made solely to assist Mr. Estes, who had a personal grievance against me.

The CHAIRMAN. Do you know what that is? Do you care to state what it is?

Mr. LEECH. Yes, sir; I will state to the committee, if you wish me to do so.

The CHAIRMAN. If you care to do so.

Mr. LEECH. Without making any extended charges or anything of that kind, I will tell you how the difficulty originated. Mr. Estes had filed charges against one of our agency employees—one of our agency police, Nimrod—and after the investigation I felt satisfied that the charges were not well founded and that there was malice back of it. I was conducting this investigation when Supervisor Young visited me at Greenwood, and he heard part of the testi-

mony, and, I presume, from a quotation from his report that was sent to me afterwards, that he made a report, partially, on Mr. Estes. A year ago this spring Mr. Estes came to Washington and succeeded in going before Mr. Stephens's committee (Indian Affairs Committee of the House of Representatives), and made some charges there against me as to the death of some parties through neglect, etc. I replied to those charges. I think Mr. Stephens may remember, and he may have the reply now.

Representative STEPHENS. I think that is all in print.

Mr. LEECH. I will say, further, that these charges were baseless. I think Mr. Stephens can not help but bear me out in that. About that time he made an application for a license and filed it here in Washington.

The CHAIRMAN. For what?

Mr. LEECH. To trade. It was a renewal of his license. The office sent this application back to me and sent a quotation from Mr. Young's report to the effect that it was questionable whether he was a suitable person to be granted a trader's license, and they asked me to take that report into consideration when making my recommendation; and because of that, in connection with the other things that had occurred there, which I do not care to mention here, as I am not making charges against Mr. Estes at this time, I felt that I could not conscientiously recommend him.

The CHAIRMAN. And you did not recommend him?

Mr. LEECH. I did not recommend him, and from that time on Mr. Estes has persistently sought in every way to find things to report against me to the Indian Office, I suppose, or maybe to the committee. I do not know whom he reports to. This fall Mr. Sloan came back with Mr. Estes when he was here in Washington, and he and Mr. Estes traveled around over the reservation there and took certain affidavits and statements. I do not know who they got statements from. Mr. Estes acted as interpreter, generally, for Mr. Sloan, and I felt as though that investigation by Mr. Sloan was solely in the interest of Mr. Estes and was a personal matter between Mr. Estes and himself. That is the reason why I have those statements there.

The CHAIRMAN. The statements do not appear to be very material to any issue we are considering, and unless you desire them to go into the record, I will not press it.

Mr. LEECH. I do not care; I am not particular about it.

Senator LANE. I wanted to ask you how many employees there are on the agency?

Mr. LEECH. We have, I think, 27.

Senator LANE. On the pay roll?

Mr. LEECH. I believe so. I could tell you by counting them in just a few minutes.

Senator LANE. Well, about 30?

Mr. LEECH. Under 30.

Senator LANE. How much does your monthly pay roll amount to?

Mr. LEECH. It is about \$18,000 a year; about \$1,500 a month.

Senator LANE. After Sloan was out there and came away, had this man Estes been postmaster up until that time?

Mr. LEECH. Yes, sir.

Senator LANE. And after that did he cease to be postmaster?

Mr. LEECH. No; he is postmaster yet.

Senator LANE. He was not removed from the postmastership?

Mr. LEECH. No, sir. I understand that the Post Office Department called for an examination for persons to fill that place and Mr. Estes did not take the examination, and it is assumed, of course, that there will be some one else appointed.

Senator LANE. Is that in the civil service?

Mr. LEECH. It is a fourth-class post office; I suppose it is under civil service; yes.

Representative STEPHENS. Mr. Estes, I believe, was formerly a clerk of the court out there, was he not? Was he not a county officer years ago?

Mr. LEECH. I think he was a register of deeds. Well, maybe he was clerk of the court; I am not sure about that.

Representative STEPHENS. Then he would have to be a citizen and a voter of that county there?

Mr. LEECH. Yes, sir.

Representative STEPHENS. He is an Indian, is he not?

Mr. LEECH. He is a quarter-breed Indian.

Representative STEPHENS. He is on the rolls?

Mr. LEECH. Yes, sir.

Representative STEPHENS. The store which he was running when you went there was on the Indian reservation, was it not?

Mr. LEECH. Yes, sir.

Representative STEPHENS. Did you order him off the reservation?

Mr. LEECH. No; I never ordered him off. His license was denied, and the department gave him until January 1 to move his stock and goods; and he never himself was ordered off the reservation.

Representative STEPHENS. Was he put off?

Mr. LEECH. No; he is on the reservation yet. He bought a lot belonging to the heirs of William T. Selden, a mixed blood Indian, who lived there a number of years ago, to whom the lot was given; a patent in fee was given to a lot there. Mr. Estes bought an interest in that lot and moved his store on to that. His dwelling is still on the reservation.

Representative STEPHENS. Is he still running the store?

Mr. LEECH. Yes, sir.

Senator LANE. A trader's store?

Mr. LEECH. He had a licensed store.

Senator LANE. Is somebody else running that license now?

Mr. LEECH. Yes, sir.

Senator LANE. When was that license granted?

Mr. LEECH. There are several running licensed stores there. Williamson Bros. are running a trader's store there under a license. I suppose they have been in business 15 or 18 or maybe 20 years; and J. J. Bailey & Son are running a trader's store. The elder Bailey has been there over 30 years.

Senator LANE. I mean the successor to this man Estes.

Mr. LEECH. Oh, no; he is running his own store.

Senator LANE. Without a license?

Mr. LEECH. Yes, sir.

Senator LANE. Was any new license granted since he lost his?

Mr. LEECH. Not to him.

Senator LANE. To anyone else?

Mr. LEECH. They renewed the license of Williamson Bros.

Senator LANE. But I do not mean that. Did any new trader come in there to take the place of this licensed trader who lost his license?

Mr. LEECH. No, sir.

Representative STEPHENS. What injury was it to him to lose his license, if he was still running his store?

Mr. LEECH. No injury at all.

Senator LANE. What advantage is a license?

Mr. LEECH. It is not any advantage, particularly.

The CHAIRMAN. What is the purpose of issuing a trader's license?

Mr. LEECH. It gives you a little bit better control over the conduct of the business. That is all. They put up a \$10,000 bond when they take out a trader's license, and that insures that they will sell goods at a reasonable profit and conduct an orderly place of business. If they fail to do that, their license may be revoked and they be required to cease doing business. It does not make so much difference in a place like ours, because we only have a mile square there that is really a Government reservation. It would make a whole lot of difference on a place like Rosebud or Pine Ridge or large reservations not open for settlement, where all the business done on that entire scope of territory would be done under a license. All the towns where four-fifths of the merchandise is sold to our Indians, all the business houses there are conducted without a license. No one has a license except those who do business just on that agency reserve, in what we call the mile square, where the agency is located.

Representative CARTER. Did you say that Estes was an Indian?

Mr. LEECH. Yes, sir.

Representative CARTER. Does he belong to this tribe, Mr. Leech?

Mr. LEECH. Yes, sir.

Representative CARTER. Do you require Indians that belong to that tribe to have a license when they trade with Indians?

Mr. LEECH. Yes, sir.

Representative CARTER. The same as white men?

Mr. LEECH. Yes, sir.

Representative CARTER. You spoke about Mr. Sloan, or rather I understood from your language that you thought Mr. Sloan had conspired with this man Estes against you in some manner?

Mr. LEECH. Well, I do not know whether you would call it conspiracy or not. I think he was there in the interest of Mr. Estes.

Representative CARTER. Why should he take Mr. Estes's part? Was there any reason for that?

Mr. LEECH. Mr. Estes and Mr. Sloan, so I am told, were quite intimate here in Washington a year ago. I only know this from hearsay. Mr. Estes did what he could, so I am told, to secure Mr. Sloan's appointment as commissioner. I have been told that, you understand.

Representative CARTER. So you think that Mr. Sloan was trying to reciprocate? Is that your thought about it?

Mr. LEECH. Yes, sir.

Representative CARTER. You have not any evidence of that, have you?

Mr. LEECH. No; I do not know that I have anything further than Mr. Sloan said he was out to get my scalp.

Representative CARTER. To whom did he tell that?

Mr. LEECH. He told several parties around there.

Representative CARTER. Can you give the names?

Mr. LEECH. Yes, sir; I have Mr. Henry Frederick's statement there; it shows that; and Mr. Powers's, and, I think, Mr. Pratt's. He drove them around. I do not know whether there were any others or not. I think there is another one there, that of Mr. John St. Pierre.

Representative CARTER. Did he say why he wanted to get your scalp?

Mr. LEECH. No; I do not know that he said why.

Representative CARTER. Did he say that he thought you were in the wrong?

Mr. LEECH. No; he just simply stated that he was there to get the superintendent.

Representative CARTER. That is all you heard, and that is what you base your suspicion on?

Mr. LEECH. Yes, sir.

Representative CARTER. How many Indians did you say there were on this reservation?

Mr. LEECH. About 1,780.

Representative CARTER. How many speak English?

Mr. LEECH. Over half of them.

Representative CARTER. How many can read and write?

Mr. LEECH. I presume half of them.

Representative CARTER. How many are living on their allotments?

Mr. LEECH. Nearly all of them.

Representative CARTER. How many cultivate their allotments?

Mr. LEECH. Perhaps half of them make some effort to cultivate them in some manner.

Representative CARTER. How many of them make their own living and sustenance from their allotments?

Mr. LEECH. From the rentals and from what they raise on their allotments, I judge about 50 per cent.

Representative CARTER. Practically all of them, then, who make a living make it from their allotments?

Mr. LEECH. Yes, sir.

Representative CARTER. What do you mean by competents and noncompetents, Mr. Leech?

Mr. LEECH. That is simply a term that we use there to apply to the renting of their lands only. The competent Indian is an Indian that we think is competent to collect the lease money himself direct from the lessor.

Representative CARTER. What is your *modus operandi* to determine whether a man is a competent or a noncompetent?

Mr. LEECH. Well, if he drinks, and spends his money for such as that, and neglects his family, and we find that his family is suffering from his neglect and his expenditures of money, we consider that he is not a competent.

Representative CARTER. Who declares him competent or noncompetent?

Mr. LEECH. I do not know who declared them competent or noncompetent in the first place. The competent and noncompetent list was submitted to me or left to me. I fell heir to that when I took charge of the office. It was approved by the commissioner several

years ago—that is, three or four years ago. I think this list was made out when Mr. Estep was superintendent there.

Representative CARTER. I understand you to say that the fact of whether a man is competent or noncompetent is arrived at from general observation?

Mr. LEECH. Yes, sir.

Representative CARTER. What opportunity has the commissioner from any general observation to arrive at the ability of a man to transact his business?

Mr. LEECH. He goes on the recommendation of the superintendent. He has no observation at all himself. This list was made up and was submitted to the Indian Office for its approval. Certain recommendations were made when that list was submitted, and the list was simply O. K'd by the commissioner.

Representative CARTER. He simply approves it as a matter of form. He always approves what the superintendent recommends?

Mr. LEECH. Oh, no; not always.

Representative CARTER. I mean about competents and noncompetents.

Mr. LEECH. Yes; I do not know of his refusing to do it.

Representative CARTER. If you wanted to have a new man declared competent on the reservation who was then on the noncompetent list, how would you go about it? What would be your procedure?

Mr. LEECH. I would simply write to the office and state that this man is farming a part of his land, and that he is industrious, and so on, and capable of taking care of his own lease money, and ask that he be placed on the competent list.

Representative CARTER. Would you talk to the man in question or examine him before you did that?

Mr. LEECH. Oh, yes.

Representative CARTER. You would send that examination to the commissioner?

Mr. LEECH. No; not necessarily the examination. I would send my opinion as to his competency after talking to him.

Representative CARTER. But you would not make any record of your conversation with him at all?

Mr. LEECH. No, sir.

Representative CARTER. Your procedure, of course, to take a man who was incompetent off the competent list and place him on the incompetent list would be practically the same?

Mr. LEECH. Practically the same.

Representative CARTER. Do you know all the Indians on the reservation?

Mr. LEECH. Yes. There are a few of them that I can not call their names readily.

Representative CARTER. How large did you say the reservation was?

Mr. LEECH. About 26 by 35 or 36 miles.

Representative CARTER. Do you think it would be possible for you to know personally whether every one of those persons were competent or noncompetent?

Mr. LEECH. No; but as they come under my observation, and I think that a change should be made and one should be placed on the competent list, I put him on. I will say, further, that about a month

ago I called in 12 of the prominent men of our tribe who resided in different parts of the reservation, and we went over the competent and noncompetent list with a view of revising it.

Representative CARTER. You called in 12 of the head men?

Mr. LEECH. Yes, sir.

Representative CARTER. And they assisted you in saying who was competent and who was noncompetent?

Mr. LEECH. Yes, sir.

Representative CARTER. When a man is declared competent and placed on the competent list, what do you permit him to do as a competent candidate?

Mr. LEECH. Simply collect his money himself.

Representative CARTER. You allow competents and noncompetents both to make leases?

Mr. LEECH. Yes, sir.

Representative CARTER. With or without your approval?

Mr. LEECH. No; with my approval.

Representative CARTER. The competents also have to have your approval of their leases?

Mr. LEECH. Yes, sir.

Representative CARTER. Does the Commissioner of Indian Affairs have to act on them?

Mr. LEECH. The commissioner does not approve the competent leases, but he approves the noncompetent leases.

Representative CARTER. Does the commissioner give a competent Indian any other liberties or rights than the noncompetent has?

Mr. LEECH. No, sir; nothing but to collect his rental.

Representative CARTER. He has not any right to dispose of his property or anything of that character?

Mr. LEECH. No, sir.

Representative CARTER. Are all these Indians allotted?

Mr. LEECH. No. All those over 21 years of age are allotted.

Representative CARTER. How much are they allotted?

Mr. LEECH. Eighty to one hundred and sixty. Just a minute; I will tell you exactly how many are not allotted. [After referring to papers.] We have 937 Indians, over one-half, who are not allotted.

Representative CARTER. What do you mean by 937? You said you had seventeen hundred and something.

Mr. LEECH. That many that are not allotted.

Representative CARTER. Oh; you have that many not allotted. Why have not they been allotted?

Mr. LEECH. They have been born since the allotments were made.

Representative CARTER. When were the allotments made?

Mr. LEECH. They were closed June 18, 1892.

Representative CARTER. How much allotted land is there?

Mr. LEECH. There have been a few double allotments. I think there are 720 acres.

Representative CARTER. The entire reservation is allotted?

Mr. LEECH. Yes, sir.

Representative CARTER. How much did you say they have allotted to them?

Mr. LEECH. Eighty to one hundred and sixty acres.

Representative CARTER. Owing to the grade and character of the land?

Mr. LEECH. Yes, sir.

Representative CARTER. Is it all agricultural land?

Mr. LEECH. No, sir; there is some rough land along the river and along the creek that runs through there, called Soda Creek. But considerable of the land that was allotted as grazing land was agricultural land. Some of the sharper Indians at that time preferred to take 160 acres of what they termed grazing land, and it proved to be agricultural land, and they virtually got twice as much as the others, in that way.

Representative CARTER. You said something about sales of allotted lands being made and of inherited lands, and that the funds were used for the maintenance of the Indians?

Mr. LEECH. Yes, sir.

Representative CARTER. Let me ask you, first, if all of the inherited lands have been sold?

Mr. LEECH. No, sir; we have quite an amount.

Representative CARTER. How do you determine which are and which are not to be sold?

Mr. LEECH. When the estates are probated and some of the heirs apply for the sale of their land, we always insist on their selling the inherited land instead of their own allotments.

Representative CARTER. Suppose you have inherited land where the child has no allotment. What do you do in a case of that kind?

Mr. LEECH. We try to hold it for him if we can.

Representative CARTER. Are you not able to do it?

Mr. LEECH. No, not always; because sometimes some of the heirs are very old people, and need their share of that for their support. You can not partition it very well.

Representative CARTER. Let me ask you about that. Do you have a determination of the heirs and a partition before the sale?

Mr. LEECH. Yes, sir.

Representative CARTER. No transfer is made until the heirs have been fully determined and the partition finally made, and the land is sold in small parcels or partitions?

Mr. LEECH. Yes, sir; the heirs are determined, the partitions are made, and it is all approved by the Secretary of the Interior before the sale is made.

Representative CARTER. Under the Burke Act?

Mr. LEECH. Yes, sir.

Representative CARTER. You spoke also about the sale of allotted lands as a means of maintenance. To what extent has that been done?

Mr. LEECH. That is only in the case of the old people. There has been some sold where young people—that is, between the ages of 20 and 30—have no means of improving the balance of their allotments.

Representative CARTER. You sell a part of it to improve the balance?

Mr. LEECH. Yes, sir.

Representative CARTER. How old do you mean a man must be when you say "old people"?

Mr. LEECH. Oh, from 60 on.

Representative CARTER. When they get 60 or over you then can sell their allotment for their maintenance?

Mr. LEECH. Yes, sir.

Representative CARTER. And those are the ones to whom this money was paid, which you spoke of, from these sales?

Mr. LEECH. Yes, sir; the money is paid to a few that are under that age I mentioned. He might be crippled or physically disabled in some way.

Representative CARTER. Strictly indigent?

Mr. LEECH. Yes, sir.

Representative CARTER. How do the Indians look upon the white doctor's medicine? How do they regard it?

Mr. LEECH. Our Indians regard that very much the same as white people. They have reached that point when they have faith in the white man's treatment.

Representative CARTER. Do they still have any Indian doctors or medicine men?

Mr. LEECH. Not very many. There have been one or two that have tried to practice a little there, but not to any great extent. It does not interfere with us at all.

Representative CARTER. You spoke about there being a large percentage of tuberculosis on the reservation.

Mr. LEECH. Yes, sir.

Representative CARTER. And you said that you believed nothing whatever was being done for them.

Mr. LEECH. Not in a systematic way, that I would consider effective.

Representative CARTER. Are they living right in the house with the other members of their families?

Mr. LEECH. Many of them are; yes, sir.

Representative CARTER. What is the condition of the families?

Mr. LEECH. Some of them are in a condition that is poor, and some, of course, fair; others good.

Representative CARTER. Are their homes inspected by doctors and matrons?

Mr. LEECH. We have no matrons.

Representative CARTER. You have no matrons at all?

Mr. LEECH. I know we should have matrons, and I have made a request two or three times.

Representative CARTER. What do you think about a matron being a trained nurse?

Mr. LEECH. I think we should have a matron at the agency, by all means, because we have a number of really old people living at the agency, a large percentage of them old women; and it is pretty hard for any other employee to have any supervision over those homes but a matron.

Representative CARTER. You did not answer my last question. What do you think about matrons being trained nurses?

Mr. LEECH. I think they should be.

Representative CARTER. You and the doctor at present are not satisfied with health conditions on the reservation, are you?

Mr. LEECH. No, sir.

Representative CARTER. You spoke something about there being prejudice against Indians attending white men's schools?

Mr. LEECH. To some extent; yes, sir.

Representative CARTER. To what extent is that?

Mr. LEECH. In some districts there is not any, apparently. In other districts there seems to be quite a good deal.

Representative CARTER. To what do you attribute this prejudice, Mr. Leech?

Mr. LEECH. I know what some one told me. They said that the Indians were diseased, and they did not want their children attending schools and houses where these children were, where they had had trachoma, as the Indians had.

Representative CARTER. Is there any prejudice existing on account of the Indians not contributing their part in taxes, etc.?

Mr. LEECH. Yes, sir; there is some little.

Representative CARTER. Are these Indians that attend the public schools usually mixed or full bloods?

Mr. LEECH. The majority of them are mixed bloods.

Representative CARTER. What proportion of the full blood attend?

Mr. LEECH. I should judge not over one-fourth.

Representative CARTER. How about the enforcement of the liquor laws on the reservation?

Mr. LEECH. It is not as good as it should be.

Representative CARTER. What is wrong with it?

Mr. LEECH. We have one or two towns adjoining us where there is very little difficulty for an Indian to get liquor, and they do get it.

Representative CARTER. Do you have any prosecutions?

Mr. LEECH. Yes; we prosecute occasionally, but the difficulty is in getting the Indian to testify as to who he got his liquor from. When we find an Indian intoxicated, or when we find him with liquor, and bring him into the office and say, "Where did you get this liquor?" he will say, "I got it from a white man. A white man gave it to me." "Do you know who he is?" "No; I do not know." "Have you ever seen him before?" "No; I have never seen him before." You can not get them to tell where they got it. They seem to go on the assumption, I presume, that if we get these fellows away they can not get any more liquor.

Representative CARTER. What percentage of your Indians are whisky-drinking Indians?

Mr. LEECH. The percentage is not very large, but the few that do drink make quite a lot of trouble. I presume there are not over 10 per cent.

Representative CARTER. Did you say you had had no convictions whatever?

Mr. LEECH. Oh, yes; we convicted several. Several are under indictment now.

Representative CARTER. But you are not usually very successful?

Mr. LEECH. No, sir.

Representative CARTER. In which courts are you the most successful?

Mr. LEECH. The Federal courts. We do not try any cases of that kind in the State courts.

Representative STEPHENS. How many matrons have you in your school?

Mr. LEECH. We have a matron in charge of the girls and an assistant matron in charge of the boys.

Representative STEPHENS. You stated, I believe, that these matrons ought to be at the same time trained nurses; that it would be to the advantage of the service?

Mr. LEECH. Yes, sir; it would be better. What I had reference to, from the gentleman's questions, was field matrons. Is that what you meant?

Representative CARTER. Yes, sir.

Representative STEPHENS. How many field matrons have you?

Mr. LEECH. We have not any. We should have at least one field matron and she should be a trained nurse.

Representative STEPHENS. I suppose it would be necessary for them to come under the Civil Service Commission to be trained nurses?

Mr. LEECH. Yes, sir.

Senator LANE. About this competency and incompetency. I want to find out from you how many Indians you have requested to have declared competent since you have been there, if you remember?

Mr. LEECH. Two or three or four; somewhere along there.

Senator LANE. How many incompetents?

Mr. LEECH. I do not recall more than one.

Senator LANE. How many competents on the reservation are there now?

Mr. LEECH. More than half. I brought along a lot of papers that I wanted to take up in the office, here, and I have a little stuff here that probably would not bear on this investigation at all. If you would like to look over any of it, I would be very glad to have you do it. There is a list of the patents in fee that have been issued on our reservation, and the records of them. If you will notice that, you will see that our patents in fee business has not been a success. That is one thing that I am opposed to—the granting of patents in fee to a great many of these people.

The CHAIRMAN. Who prepared this statement?

Mr. LEECH. It was taken from the records of our office.

The CHAIRMAN. Do the records in your office show the language that appears on this statement?

Mr. LEECH. Oh, no.

The CHAIRMAN. You have here: "Lands sold and proceeds squandered." What do you mean by that?

Mr. LEECH. That they have nothing at all to show for their money.

The CHAIRMAN. The lands have been sold and they have spent the proceeds?

Mr. LEECH. Yes, sir.

Senator LANE. You think that about half of them are competent?

Mr. LEECH. Yes, sir.

Senator LANE. About how many Indians on that reservation are landless, who do not own land any more?

Mr. LEECH. You mean that, have none of their own land?

Senator LANE. Yes.

Mr. LEECH. You see, most all of them have some inherited interests; but I should judge that there are 18 or 20, perhaps 30, who have no land whatever.

Senator LANE. They work for some one else for a living, do they?

Mr. LEECH. Yes, sir. A great many of them have received patents to part of their lands. That does not represent all of the land

that has been patented there. There are two hundred and some odd on that list there.

Senator LANE. What is your appropriation?

Mr. LEECH. \$14,000. Can you gentlemen help me any?

Senator LANE. And your expenses were \$18,000?

Mr. LEECH. Yes, sir; our salary list alone eats up nearly all of that; and if you can help us a little bit, I certainly would appreciate it very much.

Senator LANE. You have only \$14,000; that is, you only had \$14,000 last year?

Mr. LEECH. For running our agency.

Senator LANE. That was under the heading of support and civilization?

Mr. LEECH. Support of the Yankton Sioux.

Senator LANE. That is independent of school expenses?

Mr. LEECH. No; that does not include that. I would like to submit this statement to you.

Senator LANE. How much was paid out for their support?

Mr. LEECH. Our rations were issued.

Senator LANE. How much does that amount to in a year?

Mr. LEECH. Oh, probably a thousand dollars. I would like very much to have a couple of thousand dollars more. I think it would be money well appropriated.

Senator LANE. What would you do with it?

Mr. LEECH. I would get me another farmer, for one thing.

Senator LANE. Do you think you will ever make farmers out of the Indians?

Mr. LEECH. That is the only salvation for these people. If you can not make farmers out of them, you can not make anything. That is an agricultural country.

The CHAIRMAN. Touching the question of competency, is it your idea that all the Indians on that reservation, or practically all of them, should be kept under restrictions?

Mr. LEECH. Oh, no.

The CHAIRMAN. When do you think an Indian ought to be turned loose and permitted to control his own business, like a white man does?

Mr. LEECH. Just as far as he can be so permitted. I should give him just as much liberty as can be given him without doing his family an injury. I would rather take chances of putting an Indian on the competent list than taking him off. I will say that if I had that Hero business to do over again, I would not bother the old man; I would let him go hungry and take the consequences; but at the time I thought that was the best thing to do for him. He had acknowledged that he had signed a receipt for money that he had not got, and I felt it was a benefit to the old man to collect his money where he could get it. But I have never taken off any other one that I remember, and I would not, unless it be for drunkenness, or something like that. I think, in going over the list as stated a moment ago, with these 12 headmen of the tribe, we did decide that several ought to be taken off for drunkenness. I do feel that that makes a man incompetent.

The CHAIRMAN. Referring to the school again. Are those pupils in the boarding school troubled with vermin, commonly called lice?

Mr. LEECH. Not any more so than on any other reservation; perhaps not as much as on some. I have never known an Indian boarding school or a day school but what some pupil would come into that school at the beginning of the school year with vermin in his head.

The CHAIRMAN. Do you know whether that is a common thing in the school there, for the pupils to be infested with vermin?

Mr. LEECH. In our schools?

The CHAIRMAN. Yes.

Mr. LEECH. No; it is not common. The matron tells me that when they entered school this fall she found vermin in the heads of some of them.

Senator LANE. On the head or body?

Mr. LEECH. On the head.

Senator LANE. "Graybacks?"

Mr. LEECH. I never heard of her finding any "graybacks." I have heard of their finding "graybacks" at the Rosebud Agency.

Senator LANE. Do they have any difficulty in removing them?

Mr. LEECH. No.

Senator LANE. What do you do for them?

Mr. LEECH. Comb their heads out, and the doctor mixes up a concoction of fish berries, etc.

Senator LANE. You tell the doctor when you go back there that he can get rid of them by just washing their heads in coal oil.

Mr. LEECH. Yes; vinegar will kill them, too.

Senator LANE. Not like this. That kills off the eggs, too; and that fellow will not have any more lice unless he gets them from somebody else. Give them a good dose of kerosene and it will drive them all out.

Mr. LEECH. When I used to be in day school at the Rosebud Agency a few years ago, we had quite a good deal of that to contend with, more so than in a boarding school, because the pupils go home at night. We used to use kerosene there.

The CHAIRMAN. Referring to that slaughter shop of Bailey's again. Was the offal of that slaughter house dumped into the river above the intake of the water supply of the agency?

Mr. LEECH. The offal that would go into the river at all would go in up there. It stood away up above the agency, probably half a mile from the river. It was dry nearly all the time. I suppose in case of a big rain some of that washing might go down into the river, and if it did it would go into the river about half a mile above the water supply.

Representative CARTER. I want to ask a question about these patents in fee. You say practically every one of the Indians has squandered his allotment?

Mr. LEECH. Yes, sir.

Representative CARTER. Were these mostly mixed bloods or full bloods?

Mr. LEECH. Mostly mixed bloods.

Representative CARTER. Your idea is that those patents in fee should not have been issued to them?

Mr. LEECH. Yes, sir.

Representative CARTER. Are we ever going to get to the point where we can give one a patent in fee with safety?

Mr. LEECH. Oh, yes. I do not want you to understand that I would not grant a patent in fee to any of these people. Perhaps if I had been out there when these patents were issued I would have recommended some of them myself. I have recommended a few patents since I have been there, and I have made a mistake a time or two in doing it. But you never can tell. There was one man that I felt sure would make good use of his land, and I recommended him for a patent in fee. Every dollar is gone to-day. He was a minister, a dector in the church, and I thought he undoubtedly knew enough to take care of it, but he did not.

Representative CARTER. When an Indian becomes educated and understands trading, what is the Government going to do with him, if it can not then give him a patent in fee? Is it any more than the same triflingness that exists in a white man that causes him to dispose of his allotments and let them get away from him, and the desire to spend money as the white man does, rather than any characteristic of the Indian that brings it about?

Mr. LEECH. I think perhaps that enters into it largely. Quite a number of our people who received patents for their land and have squandered them have squandered them through liquor. I can recall—this all occurred prior to my time, but I am very familiar with it from hearing it talked over so much—I can recall a number of them who, as soon as they got patents to the land, sold them, immediately went to Sioux City or to Yankton or some of those other towns there, and it was one continual drunk until it was all gone.

Representative CARTER. If you let them sell the land they will have one big drunk and get over it. If you keep the land and lease it at different periods they string it out in little drunks.

Mr. LEECH. It is very hard on these people when the money is gone. I had a man by the name of Shunk. He patented all his land and sold it and got between five and six thousand dollars, and in 60 days he did not have a thing to show for it except a wooden leg.

The CHAIRMAN. I think that is all the questions we have to ask you, Mr. Leech. We have gone into the matter pretty thoroughly, and we will adjourn at this time.

(Whereupon, at 10:15 o'clock p. m., an adjournment was taken.)

MARCH 9, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

TESTIMONY OF MR. SIMON ANTELOPE.

Mr. Antelope and Mr. Alfred C. Smith were duly sworn by the chairman.

The testimony of Mr. Antelope was interpreted by Mr. Joseph Estes.

The CHAIRMAN. What is Mr. Antelope's full name?

Mr. ESTES. Simon Antelope.

The CHAIRMAN. He is a representative of the tribe of Blackfoot Indians?

Mr. ESTES. Yankton Sioux Indians.

The CHAIRMAN. Mr. Antelope, the commission would be very glad to hear any statement you desire to submit, and if there are matters that you especially desire to call to the attention of the commission, we shall be glad to have you state them.

Mr. ANTELOPE. There are two matters which I wish to present to your honorable commission at this time. The first is this: On the 17th day of last January the superintendent of the agency of which I am a member—the Yankton Sioux Reservation—posted up a notice calling a council. On that day—the 17th day of January—the Indians of the Yankton Sioux Tribe gathered together, and I was present. I came there, not expecting that I should be elected a delegate to come here to represent them. I was the first man that was presented to the council, and I was elected a delegate to look after the business of their tribe. And this young man who is interpreting for me now, his name was presented to the council, and he was elected as a delegate. And there was a third party, who is not here, who was elected at the same time as a delegate, but he was unable to come.

And, since I was elected a delegate, I have always, every day, thought what I could do to go to appear before the proper tribunals in Washington to benefit my people. And since I have been here I have always prayed every day to the Supreme Being to so open the minds of those that I should appear before to grant me the wishes that I should present to them. And it has been my fortune to-day, and I thank Him for permitting me, to appear before you gentlemen at this time with the opportunity to place before you certain matters.

Since I have been here, the matter which has been in my mind uppermost is this: About 49 years ago the Great Father here in Washington had gathered here in this city delegates and members from the different tribes on the reservations in the country. This was what I was told that he had said to them at that time—this was what I was told: When these delegates should appear before the Great Father at that time, he advised them to live together in peace, as they are all one blood, and to stop fighting, and to live together in peace.

And it has its fulfillment now that all Indians in the country are living at peace; and whenever we meet one another we shake hands and be as one friend and tribe. There is no hard feeling between us. And I remember this instance since I have come to Washington at this time, when I meet here in the city members of the different tribes—Omahas, Crows, Blackfeet, and members of other tribes—and they treated me as one of their own kind, and it made my heart glad. And I have felt encouraged since I have been told that there are Members in Congress and members of this committee who are of Indian descent, and it encouraged me to speak what I have to say. And that is what I have to say with reference to my thanks toward you gentlemen for giving me this opportunity to appear before you and say what I have to say.

And the second matter which I wish to mention is this: Among us Indians, among our tribes that I know, there are young men of white blood growing up among us. They know that they were raised among us and eaten what the Indians have eat, and clothed in what the Indians have to wear. They realize that if they have acquired

education it is from the money that is appropriated for the education of the Indians.

And what I wish to say, that after they receive their education we look to them for help to guide and protect us in the ways of the white man. But when they attempt to stand up for us—it is from this city here, the officials that they have sent out among us who are doing everything they can to put these educated mixed-blood Indians down because they are trying to protect us. And that seems to be their fate—these educated Indians. When they are educated it seems to be their fate that these Government officials want to fight them and try to ruin them and make them of no consequence to us for any special benefit.

What I mean is this: When these educated Indians try to stand up for their people with respect to any irregularities or any mistreatment that we have received at the hands of the agents or superintendents that you have sent out among us—the minute that they do that, that these educated Indians do that, he makes a report to the Office here in Washington, and they are blacklisted, and forever could not receive any favors whatever.

These mixed bloods and these educated Indians—and I say to you, gentlemen, that they have a hard row to travel, as I have described to you.

You gentlemen, as I understand it, are appointed by the Congress here to look into, to investigate matters, the Indian affairs. Now, if we should appear before you and state to you some mistreatment that we have received at the hands of some of these officials that are sent out among us—if we should state to you and it should come to the ears of these superintendents and agents our treatment would be worse again. Shall we receive any protection from you?

The CHAIRMAN. You may state any matters that you think ought to be called to our attention, and we shall try to see that you are treated right about it.

Mr. ANTELOPE. In reply to that, I have two young men here from my reservation. Mr. Smith has a good farm, and he has improved his farm, and has nice buildings, and supported himself and his children on that farm. If he sees any irregularities, any mistreatment of the Indians, he calls attention to that, and for that he has incurred the displeasure of the agent, and he has sent in some unfavorable reports against him here at the Indian Office.

The same way with this young man that is interpreting for me now. He has a fight to improve his farm, running the store there and trying to make a living and support his family, and just because he has called attention to some facts of the condition of affairs existing among the Indians, why he has incurred the displeasure of the Indian agent there at our agency.

Now, if what I have stated here, according to the treatment that my two boys here have received at the hands of the superintendents there, and if this matter comes to the ears of the agent, will I be protected from making such a statement?

The CHAIRMAN. Yes; you can make any statement here of fact that is within your knowledge.

Senator LANE. He is talking about protection. How much protection can you give him? We have failed in the past, you know. How much can we do in the future?

The CHAIRMAN. I could not answer that question, as you yourself know. I can only say to you that we will be glad to receive any statement that you may make, and we will do our best to see that you are treated right.

Mr. ANTELOPE. As for me, I do not care what they may do to me, but I wish you would protect such young men as those who are trying to make an advancement and who are trying to protect our people.

The CHAIRMAN. Go ahead and tell us anything you may have.

Mr. ANTELOPE. The third matter which I wish to bring before you is this: It has been 22 years since the Yankton Indians have become citizens and voters, and ever since we have become citizens and voters we have always, the majority of us, voted the Republican ticket. I am going to tell just what I know to be facts, and if there are any members of the Republican Party here I hope I shall not offend them. [Laughter.]

The CHAIRMAN. I will say to you that there is no politics in this investigation. We are trying to do a duty that we find to be quite a difficult one, and I am sure that no member of this commission would want you to withhold anything on account of his politics or your politics, though it may be very bad.

Mr. ANTELOPE. Ever since we have become voters different politicians, Senators, who have run for the Senate, and Representatives come to us and asked us to vote for them, and that they would do certain things for us; that they would benefit us; that the party would benefit us; and they have promised us a whole lot of things which they have never fulfilled.

And here not long ago these Indians got to thinking of all the promises that these Republican candidates had given their promise that they would do for us, which they have never fulfilled, and we have come to realize that they have never fulfilled their promises to us. Now, let us try when the other party comes into power to see if they would do any good to us, if they would remedy any of the evils there which we have suffered under the Republican administration.

The CHAIRMAN. We would be glad to have you state, Mr. Antelope, the particular matters which you think need correction, matters that you complain of, in detail, so that we may look into them fully.

Mr. ANTELOPE. It is about our land that I wish to state, that we have leased our land, and money that is derived from the leases, we never could get the full benefit of the lease money, that was deposited to our credit at the local office—the Indian office.

This matter which I wish to explain is the matter of allowing these old Indians only \$10 to \$15 a month, and the agent knows himself that he can not subsist a whole month on \$10 or \$15 a month. The most that we can live is from a week to 10 days on this \$10 to \$15 a month.

And there is another matter with regard to the leasing that I wish to mention, and that is as to the crop rentals. The renter sells our share of the crop and deposits the money at the office. We do not know how much money we have placed to our credit or anything about it at all. This is the matter which has been troubling the Indians there at the Yankton Agency; that these rents, which are paid into the agent's office, we do not know how much is deposited

to our credit there, and we would rather, as to the crop rentals, sell our own share of the crop and so get the money and spend it as we know is best.

And there is another phase of this matter which I wish to call your attention to, which is this leasing of the individual allotments by the superintendent without the knowledge and consent of the allottee.

The matter particularly to which I wish to call your attention is this, the case of Adam Hero, that I know myself personally, which involves the same as what I have told you before. Now, what I wish is this, that this lease money be turned over to us and not be held back. They can hold back the heirship and land-sale moneys as much as they want, and mistreat the people by giving them a little pittance of a few dollars a month and let them die off by starvation, but let use have the lease money at least.

This matter of the leases is one of the things for which I was elected to come to Washington and present before you the wishes of the people. There is another matter that does not belong to the department here, with regard to some fictitious allotments, and that is all I have to say.

Representative STEPHENS. Ask him whether he raised any crops on his own land, or whether he has any farm of his own.

Mr. ANTELOPE. I am tilling only just 25 or 26 acres. That is all I am able to work.

Representative STEPHENS. Ask him if he raises any stock—cattle or hogs—to sell.

Mr. ANTELOPE. I have no cattle. I have some hogs, and I have horses. I am raising a few head of horses.

Representative STEPHENS. Does the agent permit him to sell his own horses, his own hogs, or his own crops?

Mr. ANTELOPE. Yes. There never was any objection raised as to my selling any of the stock that I raised myself.

The CHAIRMAN. Do you go to the agency much?

Mr. ANTELOPE. I live about 14 miles from the agency. Sometimes once a week I come to the agency, but not very often.

The CHAIRMAN. Have you observed the conditions about the storehouse and the butcher shop at the agency?

Mr. ANTELOPE. I noticed that right where the slaughterhouse was situated on the creek, at the mouth of that same creek, right above the intake to this cold-water supply, there is a dead horse lying there right in the water now.

The CHAIRMAN. Do you visit the Indian school there?

Mr. ANTELOPE. When I had a child going to school there I used to visit that school, but I have no children attending that school now, so I do not visit.

The CHAIRMAN. How long since he visited the school?

Mr. ANTELOPE. About two years since I attended the school there. I am sending my children to a mission school now—a Presbyterian mission school.

The CHAIRMAN. Do you know whether or not Roy Bailey, who runs a butcher shop there at the agency, is in the habit of keeping deer in his butcher shop?

Mr. ANTELOPE. No; I do not.

The CHAIRMAN. What is the general feeling of the Indians on the Yankton Sioux Reservation toward Superintendent Leech? Do they get along well or bad?

Mr. ANTELOPE. The majority of them do not get along with him on account of his vindictive and revengeful habits.

The CHAIRMAN. Were you arrested when you started down here, or detained by anybody?

Mr. ESTES. No; he was not arrested. He was not arrested, but he tried to stop him, but he was elected delegate, so he came away.

Senator LANE. What did he try to stop him for?

Mr. ANTELOPE. He has had personal feelings against these two young men, and he thinks if I come along with them they will use me for a bad purpose against him.

The CHAIRMAN. What has been the trouble between Mr. Smith and Mr. Estes and the superintendent, if you know?

Mr. ANTELOPE. The reason that he has feeling against Mr. Smith is that Mr. Smith is fearless, and he always stands up for the rights of the people, and he goes into the office and calls attention to any mistakes or any irregularities, and he is not afraid to stand up for his people, and for that reason he does not like him.

As to this young man (and he pointed to me), he appeared last winter before some of your committees in Congress here and made some statements with regard to conditions existing among our Indians there which are true, but the agent has been down on him ever since.

Senator LANE. I want to ask him if he can tell us about these fictitious allotments, how many there are, and if he can give any specific instance of them?

Mr. ANTELOPE. All together, the fictitious allotments and the double allotments and relinquished allotments amount to about 4,000 acres.

Senator LANE. How could we locate that, and where could we get the information?

Mr. ESTES. From the Indian Office, I think.

Senator LANE. Could he give us a list of it, so we would know where the land is?

Mr. ESTES. We could give it.

Senator LANE. Tell him to do that.

The CHAIRMAN. Do you know the names of the parties alleged to be connected with these allotments that you referred to as fictitious?

Mr. ANTELOPE. I can not give you the names of the parties—fictitious names—offhand just now, but when I go back to my hotel I can give them to you later.

The CHAIRMAN. If you will furnish them to my clerk I will take the matter up with the bureau myself.

Senator LANE. We want to know in what way the lease money is used specifically so it does not benefit the Indians, and show where the authority exists for paying it and what the real law in relation to it is.

Representative STEPHENS. His statement that he will file will show that.

Senator LANE. What statement; with the agent?

Representative STEPHENS. No; he will file his statement about the leases.

Senator LANE. Have you asked him to do that?

Representative STEPHENS. I understood the chairman to do so.

Senator LANE. No; I think not. I think that ought to be done. He ought to file a statement calling attention to the wrongful use of the lease money and how it should be applied if it were properly handled.

Mr. ESTES. I can assist him in the statement, if you desire, Senator.

Senator LANE. Now, I want to ask you what the percentage of disease is—of tuberculosis.

Mr. ESTES. He says there were at one time quite a number of cases of tuberculosis, but many of them died off, and there are a few cases still left.

Senator LANE. How about trachoma—sore eye?

Mr. ESTES. Trachoma, or sore eye, is quite prevalent among the members of the Yankton Tribe. He says, "I have some sort of sore eyes, but I attribute that to some stuff that I got on my head at one time."

Senator LANE. What is the general condition of the Indians? Are they prosperous?

Mr. ESTES. Last year the young men have tried to farm, but we have had a failure of crops there on our reservation.

Senator LANE. Then the condition is not very prosperous?

Mr. ESTES. Yes. He says our condition is very bad, in a very bad state, more especially the western part of our reservation. The people there are in a very deplorable condition.

Senator LANE. How many successful farmers are there there? What proportion of the Indians are successful farmers on that reservation?

Mr. ESTES. There are about 20 out of the tribe who are as good farmers as any white men on the reservation.

Senator LANE. How many are there engaged in farming? How do the Indians make their living?

Mr. ESTES. Those I mentioned are the best farmers. The others farm on a small scale.

Senator LANE. Is that pretty general—farming on a small scale—among the Indians?

Mr. ESTES. Yes; generally they farm on a small scale.

Senator LANE. That is the way they make their living, is it not?

Mr. ESTES. Yes. I have 450 acres which I am leasing to white renters.

Senator LANE. They make some money then by renting their land?

Mr. ESTES. Yes. Our conditions would be better if we were allowed to lease our own land and take the lease money.

Senator LANE. What do you get an acre on the average for farm land when you lease it?

Mr. ESTES. The price is not uniform. Some are high and some are less. I leased most for \$2.75 an acre last year for some portions of my land. The other part was crop rental, but we had a total failure.

Senator LANE. Do you know about what they get for average lands there—about \$2.75; is that the rate?

Mr. ESTES. \$2.75—\$2.50 to \$3.

Senator LANE. Mr. Smith desire to make a statement.

Mr. SMITH. It is in writing. I would like to read it to Mr. Stephens.

Representative STEPHENS. It would be more satisfactory to file it; let us read it at our leisure.

Mr. SMITH. Mine are specific charges against the superintendent.

The CHAIRMAN. That is what we are particularly anxious to get. You have just one copy?

Mr. SMITH. I have copies at home.

Mr. ESTES. I have a supplementary statement which I have prepared, Senator, which I would like to present—supplementary to that November 3 statement that I presented to the commission.

The CHAIRMAN. All right. We would be very glad to have you do that. If you can, make it so as to furnish each of us with a copy. I would like to have it.

Representative STEPHENS. I should like very much to have one.

The CHAIRMAN. Or I will have the copies made if you will furnish it to me.

STATEMENT OF THOMAS L. SLOAN.

Mr. SLOAN. I have a case that I would like to present.

The CHAIRMAN. To what does it relate?

Mr. SLOAN. To a fee patent. [Reading:]

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,

Yankton Indian Agency, Greenwood, S. Dak., February 25, 1914.

Mr. CHARLES F. BOWMAN, *Wagner, S. Dak.*

DEAR SIR: This will inform you that a patent in fee has been issued to you for 40 acres of your allotment. As this was issued with the recommendation that the land be sold through this office, I will hold the patent here until you get a purchaser for this land, and then you can have him come down to the office and the deed will be fixed out.

Very respectfully,

A. W. LEECH, *Superintendent.*

The superintendent attempted to get him to make a contract with deferred payments at the interest rate of 4 per cent. Mr. Bowman was able to go outside and make a sale and get a rate of 6 per cent on deferred payments, and he finally sold the land, and the agent insisted that he deposit the note and mortgage with him for the deferred payments. So this morning I went to the Indian Office to determine whether or not the patents had been submitted with any restrictions upon it, and I was informed there it was not the practice to make restrictions where fee patents were issued.

The CHAIRMAN. The very object of granting a fee patent makes such a practice repugnant. It is inconceivable to me that the department would grant a fee patent and then authorize some one else to supervise the sale of the land. The object of granting a fee patent is to enable the Indian to sell the land himself.

Mr. SLOAN. The copy of letter of transmittal furnished by the Indian Office shows that the statement of Leech, superintendent of the Yankton School, is absolutely untrue; and he now improperly and illegally holds his note and mortgage, and I am informed that he is holding fee patents of other Indians in the same way.

The CHAIRMAN. Have you any other statement that you want to make?

Representative STEPHENS. About how many other cases are there?

Mr. SLOAN. Three or four cases of the same kind.

The CHAIRMAN. Do you know the names of the parties?

Mr. SLOAN. Mrs. Keeler is one of them.

The CHAIRMAN. Do you know her initials?

Mr. SLOAN. Mrs. Charles Keeler, was it?

Mr. ESTES. Minnie Hopkins Keeler.

(The letter of transmittal submitted by Mr. Sloan is as follows:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 20, 1914.

Mr. A. W. LEECH,

Superintendent Yankton Indian School.

SIR: Fee patent No. 385535, issued February 16, 1914, in favor of Charles F. Bowman, Yankton allottee No. 1147, is transmitted herewith. Deliver the patent to the Indian entitled hereto and have him sign the attached receipt in duplicate. Forward the original to this office and retain the duplicate for your files.

Very respectfully,

JOHN R. T. REEVES,
Acting Chief Land Division.

TESTIMONY OF MR. ANTELOPE—Resumed.

The CHAIRMAN. Have you a farm on some Indian lands and make hay on it?

Mr. ANTELOPE. Yes.

The CHAIRMAN. Did anyone interfere with you in the use of that land last season.

Mr. ANTELOPE. I had a piece of hay land, and when the time of hay season came around I went down to see the superintendent and told him that I was going out there to that piece of land and cut the hay off of it. He says, "You don't need to bother me about that. You can go out there and take the hay off yourself without bothering me about it." He says, "Of course, I know in the past I have always cut the hay off of it myself." I says, "I have learned you have been leasing Indian land without their knowledge and consent. I was afraid you might have leased it, and I did not know anything about; that was the reason why I spoke to you about it." and he told me to not hurry the matter along about the cutting of the hay; but I told him that the hay was getting ripe pretty fact and I wanted to cut the hay soon, and he told me to go ahead and take the hay off the land, but not to let anybody else, not to lease it to anybody else, but take the hay myself. I went down to see him on Thursday, and Monday following I went and camped on the land with the intention of cutting hay, and I came there, and I was getting ready to cut the hay, and I started in cutting the hay, and a white man came there and told me to stop cutting the hay; told me that this butcher at the town of Ravena had leased that land from the office at Yankton Agency, and that he has got a lease on it, and for that reason he told me to quit cutting hay, and I told him I had never leased it to anybody, that this is my land, and I am taking the hay off my land; and the man himself, the butcher of the town of Ravena, came out himself the next morning, and he said, "I have leased that land at the agent's office and have paid the agent \$35."

And he told me that he had phoned down to the superintendent, Leech, and Leech told him to come out and tell me to stop cutting the hay and not take any of the hay I had already cut. And I told him, I said, "This land is my own land," and I said, "If you have paid the agent \$35 for some land, he may have leased you some land of his own." I said, "You had better go and ask him. He may be leasing you some land of his own. This is my land, and I am going to take the hay off of it." He went home and came back about noon again, and he told me that he had phoned down to Supt. Leech, and that Leech had phoned back and told him that he was going to send a policeman out and arrest me and take me down; and I told him, I says, "I don't mind it if they come and arrest me. I have not done anything wrong. This land is my own, and I am taking the hay off my own land, and if they are going to arrest me for that, I have not committed anything wrong that I know of, and I have not signed any lease with anybody for that land"; and I told him to go back and phone down to Supt. Leech and tell him to send his police out and arrest me if he was going to arrest me for cutting hay off of my own land, and he came back in the evening again and told me that he had phoned down to the agent and told him that he had known me for a good many years and he did not like to have any trouble with me, so that he had called the lease that he made with the agent off, so "You can go ahead and cut the hay off of your own land." And that is what the agent had tried to do to me, but he did not succeed in leasing the land away from me.

The CHAIRMAN. What was that butcher's name that claimed to have leased that land from the agent?

Mr. ANTELOPE. I can not pronounce his name. Mr. Smith may know his name.

Mr. SMITH. Mr. Hall.

The CHAIRMAN. Do you know his initials?

Mr. SMITH. No, sir; I have forgotten.

The CHAIRMAN. Do you know whether Mr. Leech paid him back the money he had paid on it?

Mr. ANTELOPE. I do not know for myself personally, but I was told by a mixed blood that for that money that he paid in the office that the agent had leased him some other Indian land, and that he had hired this mixed blood to go out and cut that land off.

Senator LANE. Just like enough the agent did not know anything about it, but just the butcher there.

The CHAIRMAN. Did you ever talk to the agent about it, and ask him why he had presumed to lease your hay land to the butcher?

Mr. ANTELOPE. No; I never had a talk with him since about it. I did not talk to the superintendent, but I talked to the interpreter at the office, and he told me all about it—all about the different phone messages that were sent backward and forward between Leech and this butcher, so he must know all about it.

The CHAIRMAN. I wanted to ask you a question about the Adam Hero matter. You were on the competency commission, I believe, up there, were you not?

Mr. ANTELOPE. Yes; I was.

The CHAIRMAN. Did you have a conversation with Mr. Leech or hear one about the competency of Adam Hero, and was he asked why he had canceled his certificate of competency?

Mr. ANTELOPE. When we were passing upon the competency of each of the members of these Yankton Indians, he came to the name of Adam Hero. The agent took the book and said that this man, Adam Hero, used to be on the competent list, but that he had taken him off from the list and had put him on the noncompetent list, because he did not know how to lease his own land, and he was asked by one of the members of the commission why he did not know how to handle his lease, what was the reason; and the reason that Mr. Leech gave was that Adam Hero had beaten a white man out of \$25 more than he ought to have got, and that was the reason he was not competent, and I told Mr. Leech at that time that that showed that the man was competent. "No," he says, "the agent said, further, he is tricky, and he ought not to be allowed to be competent; he is so tricky."

(Whereupon, at 5.35 o'clock p. m., the commission stood adjourned to meet at the call of the chairman.)

J. F. ESTES'S EXHIBIT A.

CHAIRMAN OF COMMISSION TO INVESTIGATE INDIAN AFFAIRS,

Washington, D. C.

DEAR SIR: I am one-fourth Indian blood and a member of the Sioux Tribe of Indians of the Yankton branch of South Dakota. My father left my mother and I during infancy, and my mother then married a full-blood Sioux man, and I was raised an Indian in custom, habit, manner, language, and association. I did not learn to speak English until after I was grown. I was educated by the United States Government. I was a teacher in the Indian schools for 20 years. With what I saved I purchased a store upon our reservation, made a home there, and entered into business with my people. I have been elected clerk of the circuit court for Charles Mix County, S. Dak., and served in that capacity.

I was for three years official interpreter for the United States District Court for the district of South Dakota, Hon. John E. Carland, district judge, then presiding. Judge Carland is now a circuit judge with the Commerce Court of this city.

In my business, in my relationship, in my acquaintance, and interests I come in immediate and direct contact with my people, the Yankton Sioux Indians. They come to me for advice, help, to make complaint, and in all the affairs that affect their lives, and particularly those that come from the Government through the local agency.

Having been for so long a time in the Indian school service, I observe and take an interest in the tribal school, and as many of the children who attend are relatives, I have special reason to observe and look after the administration.

I desire to call your attention to some of the affairs at our agency which affect our people, their health and general welfare, and to charge the same to a lax and poor administration. A. W. Leech is the superintendent in charge.

1. The meat and flour at the school are kept in the same room and at times the meat is so foul and decomposed that the stench therefrom is awful. It has been so bad that bread made from the flour has been affected.

2. The water supply for the school and the agency is taken from the Missouri River by pumping; not filtered. During the winter a policeman, Joseph Nimrod, had a horse and colt die. He dumped them into the river with a weight of stone, where they were held just above the intake to the agency water supply and left there until about the first of June. Then, after numerous complaints were made, they were cut loose. This same man dumps his stable manure in the same place and complaints have been of no avail.

3. The foregoing are a menace to the health of the school as well as the adults living at the agency. The conditions at the school are bad. Many of the children have bad eyes, evidently trachoma, and are neglected as to those affected and preventing the spread of the disease. That the children are dirty,

lousy, and poorly clothed. They complain of the food and treatment. The Indians would not send their children to the school if they were not compelled to do so. The superintendent sends out the police after them and coerces others to send their children by withholding from them their rents and moneys due them from the Government. Often when the Indian children are attending the State district schools with white children they are required to give up and go to the agency school. This is to their detriment and causes them the loss of opportunity to be with English-speaking children and places them in unhealthy surroundings. It is a detriment to the children and the parents.

4. There are three policemen kept at the Yankton Agency, S. Dak. They are under the direct orders of the superintendent, and they attempt to carry out his orders as directed as nearly as they can, and they do so without exercising any judgment. They are used to bring in children to school, and they do so by exercising force or threats.

That in March, 1912, the police, acting under the orders of the superintendent, arrested an Indian woman who had a sick child about 6 months old. She and the child were confined in a filthy, dirty, old, and cold building called a jail. It was very cold. It was zero weather or worse. She was without a bedstead, mattress, no fire, and the wind strong. She was without any attendance, and while so confined, during the night, the child died. She was unable to get out and unable to get word to anyone, and was left in that condition until late the next morning. The Indians provided for her as best they could, and made a collection to meet the funeral expenses of the child, but no help or assistance came from the superintendent.

We allege that he is cruel, heartless, mean, arbitrary, and an unfit person to be placed over other persons.

5. Old Indian men and women who have money on deposit subject to the check of the superintendent have gone cold, hungry, and starved to death because of neglect and refusal to pay them their money or provide them with the necessities of life. Some of these needy persons, during their need and helplessness, were required by the superintendent to subscribe \$5 to a fair that he was promoting.

One old woman, Ta-si-na-na-za-win, died of starvation during July of this year. She went to all those to whom she could apply at the agency and was refused any part of her money and refused all assistance. All she could find to eat was choke cherries. Of these she ate to stay her hunger, as it was all that she could get, and died of acute indigestion.

Mrs. Iron Whip, on December 16, 1912, died of cold, neglect, and starvation. Dr. Wise, the agency doctor, said, so it is reported, that when he arrived at her home she had nothing to eat; that there was no fuel in her house; and that no doubt Mrs. Iron Whip had died of starvation. This statement was made in the presence of several persons. There have been many who suffered in want of the bare necessities of life who had funds in charge of the superintendent.

We charge that such neglect is heartless and cruel and should be a criminal neglect if it is not.

6. Individual Indian funds are only subject to use by the Indian through the superintendent. Indians who purchased horses could only buy from certain favored persons and at prices in excess of the fair market value. An old Indian woman whose husband was sick and infirm needed a team for her and her husband to get about. The superintendent got them a team from Pete St. Pierre. They were not only poor and lame, but wild. The old couple brought the team to the agent or superintendent and told him they did not want to be killed by the team, and that if his friend St. Pierre needed the money to let him keep it, but to give him back the team. After much trouble and expense to the old couple the team was taken back. Al. Smith, an Indian of the same tribe, had a good team which he offered to the people for the same price. They took the team from Smith, but when the superintendent handed him the money it was only \$150. After Smith made a kick he gave him the additional \$10. The team was sold for the \$160 with the knowledge and consent of the superintendent. Other instances can be cited wherein gross favoritism is shown in buying horses.

7. Farming lands of the Yankton Sioux Indians are worth \$2.50 per acre. Some of these lands have been leased without the knowledge or consent of the Indians by the superintendent or his farmer. In collecting the rents, many

complain that they are 50 cents an acre short. They have no right to lease the lands without the consent of the Indians.

8. Roy Bailey is in the butcher-shop business at the agency. He has a large business with the Indians and has the favor of the agency office. He is spoken of among the people about the agency as the partner of the superintendent. That is the reputation of his relation to the superintendent. He protects him in everything.

This reputed partner of the superintendent, with another man, got drunk and assaulted and brutally beat an old Indian man. They were arrested by the superintendent, Leech, and fined \$5. The Indian complained to the superintendent, who required his reputed partner to apologize to the Indian, and said that settled it.

Roy Bailey's brother told the superintendent that Roy kept beer at his store or butcher shop on the agency reserve. The superintendent threatened to summarily remove him from the reservation if he did not keep still about it.

Indian Service employees are prohibited by law from having any interest in trade with Indians. The superintendent has admitted an interest.

9. The Yankton Sioux Indians have been citizens for many years, exercising the right of franchise, holding office, and being subject to the civil and criminal laws of the State. They have been prosecuted and punished and imprisoned under the judicial authority of the State. In view of all, the present superintendent claims the right and does imprison these citizens upon his own arbitrary acts. He imprisons persons, claims the right to divorce such Indians and separate them, and divide their property and appropriate it to suit his wish in the matter. He is the direct cause of adultery and many other wrongs growing out of his arbitrary acts. He suggests that if Mrs. Estes will obtain a divorce, he will recommend her for a license.

He has ordered his policemen to interfere with families and directed the separation of husband and wife; has ordered husbands and fathers to keep away from their families, and has imprisoned those who ignored his orders.

10. He is partial to an attorney named Caster. Allows him the privileges of the agency office, and directs Indians to him who would not go to him otherwise.

11. That he asserts his personal ill will and spite against those whom he dislikes and seeks to injure them.

He threatens Indians and others with jail sentences if they do not testify as he wants them to. This debauches them.

12. That under his orders one George Black Owl was arrested. After his arrest at his home he was beaten and abused on the road from his home to the jail so that he had a hemorrhage of the kidneys. These brutalities would not occur except under the direction of a man of that disposition.

13. That the said superintendent refuses to permit the tribe to council over their affairs. That he arbitrarily interferes with our meetings, and pays no attention to suggestions from the tribe or individuals. That he withholds money belonging to individuals, refuses aid to the needy while having possession of their funds, dictates the expenditure of the individual moneys to the detriment and injury of many, and by favor to some and threats and abuse to others controls our affairs beyond what is right or just. That complaints made to the Indian Office are returned to the superintendent and he proceeds to punish those who complain. That inspectors who are sent out to investigate generally hear one side—that of the superintendent—and the reports that are made by him are held as confidential and access to them refused. They are sometimes absolutely false, and the Indian is discredited without knowing the cause and with no opportunity to reply. Confidential records prevent justice to the Indian and cover up wrongs in the service, which an open and public record would in many instances correct. The victim of it all is the Indian.

These are some of the things which most of the Indians suffer, and the Yankton Sioux suffer more particularly under the present agency administration. There can be no improvement in the Indian under such conditions. He can have no initiative, and there is no opportunity for him to make an effort. He is overpowered by force, fraud, deceit, that extends from one end of his service to the other. The Yankton Sioux need a change. They should be relieved of the supervision of a man who has no human sympathy, who is interested more in trade with the Indians than their welfare through honest supervision of their affairs.

Very respectfully,

J. F. ESTES.

STATEMENT OF T. L. SLOAN, SPECIAL AGENT FOR JOINT COMMISSION.

Hon. JOE T. ROBINSON.

Chairman Joint Commission to Investigate Indian Affairs.

Washington, D. C.

DEAR SIR: Acting under authority granted me by your committee, I proceeded to the Yankton Agency, S. Dak., August 30, 1913. The said agency is about 13 miles southwest from the railroad station Wagner, on the C., M. & St. P. R. R. The reservation formerly extended for 100 miles along the Missouri River in South Dakota. The lands were allotted to the Indians in varying amounts, and what remained unallotted were opened to homesteads.

There are 1,730 Indians scattered over this length of territory and back from the river for 20 and 30 miles. Many speak only the Sioux Indian language, and they are lacking in experience and knowledge of the white man's ways. They and their lands are largely under the supervision of the superintendent in charge of the agency, but whose office is really designated as superintendent of the Indian school at Greenwood and in charge of the agency. The school at the agency has a capacity of about 200, with a possible increase, as there is a new building in process of construction.

A number of people live at the agency. Employees of the school and the agency office, traders and their employees, and many Indians and whites, engaged in various work. The following is a report of the cases that I inquired into specially during a period of 10 days on the reservation and about the country:

IN RE BUTCHER SHOP AT YANKTON AGENCY.

Roy Bailey, a licensed trader, is conducting a butcher shop at the Yankton Agency, Greenwood, S. Dak. On the 6th day of September, 1913, I inspected the slaughterhouse located on an Indian allotment adjoining the agency reserve. It is a building about 12 feet by 16 feet, and high enough to suspend a beef from the apex of the roof. There was a floor of boards with a large hole in the center. At this place in the ground there was a depression with a ditch from it to the yard where hogs were kept. The depression was full of blood from the killing of beef the night before and other and older refuse. It was a mass of filth moving with maggots. From it maggots were crawling about the floor. The inside walls were smeared with blood and other refuse, and the stench was unbearable.

Hogs in the yard had access to this mess. It looked as if all the refuse was thrown to the hogs. The smaller hogs then in the yard could enter the building through the ditch and hole in the floor, and there were indications that they had done so.

This is the killing place for the only butcher shop at the Yankton Agency for the supply of fresh meats to the Indians, employees, school, and others who live at the agency or who come there to trade. Statements were made to me that Supt. W. A. Leech had an interest in this business.

The butcher, Roy Bailey, was a man of no means before the establishment of this business. He has a brother, E. B. Bailey, who has a license to trade at the same agency. Prior to Roy Bailey's ownership of the shop E. B. Bailey had done a butcher business in the ware room of the Joseph F. Estes's store, and no objection was offered by Supt. Leech at that time, but later, when E. B. Bailey wished to do a butcher business, he was informed by Supt. Leech that he could not run a shop at the agency so long as Roy Bailey was in the business. He also told him that he must not talk so much, and that he must not say anything about Roy Bailey keeping beer at his shop.

Mr. E. B. Bailey said that in a long experience as trader, from 1883 to date, that to require the procurement of a license to trade with Indians was to their detriment. The cost and trouble of a bond of \$10,000 and the getting a recommendation of agent in charge prevented many good men entering the business. It destroyed competition and allowed the agent in charge to favor certain ones.

Wicham Totton, a farmer, living near the agency, together with Mr. Handley, offered to sell Roy Bailey some steers. Roy said he could not buy them without consulting the other man. That he was furnishing the experience against the other man's money. That he would bring the other man out and look the cattle over. Soon thereafter Roy Bailey and Supt. W. A. Leech came out together and looked the steers over, talked over the prices, and finally offered

\$38 per head for them. When Mr. Totten accepted the offer Roy Bailey said, "All right we will take them."

This is the only butcher shop at the agency. It is a rule of the Indian Office that all Indian moneys are held by the superintendent, and paid out to incompetents and the old people at the rate of \$10 per month. They have to go to the agency to get it, and they, together with all others who trade at the agency, must buy their fresh meats there. The shop is not neatly nor cleanly kept, but aside from a few bulls killed and sold in the shop the cattle have been of a good class.

IN RE JAIL AND IMPRISONMENT OF INDIANS.

On September 6, 1913, I went to the jail at Greenwood, S. Dak. There were four men and two women confined there at the time. I asked the policeman, Joseph Nimrod, who was in charge, what the prisoners had done. He replied that the men had brought liquor into the agency reservation, and that the women were held on charges of adultery. I asked if they had a court of Indian offenses. He said, they did not, and that the Indians were held on the orders of the agent. Some of them had been two weeks or more.

The men were confined in a small cell without the first sanitary necessities. There were but two small windows. The weather reported as 99° in the shade, and it had been hot for a long time. There were two small holes in the door and I peered through the small openings into the cell. It was too small for the number of men in it, under the most favorable conditions, but the heat made it more intolerable. No breeze could reach the men to purify the air. The stench was horrible. I did not see the women as they were confined upstairs.

The Yankton Indians have been citizens since 1891, and they are not under the law subject to any such summary punishment. They were not only illegally imprisoned, but were held in a most horrible place and under the most terrible insanitary conditions. The Indians who were confined there were six in number. The following are the names of five: Sam Baker, Charles Thunder Horse, Robert Medicine Horn, and Naomi Spirit Track.

IN RE JOHN M. COOK, A WHITE MAN.

This case is cited to show the length of arbitrary power exercised by Supt. W. A. Leech. John M. Cook, a white man, was born in Germany of German parents. He came to the United States in 1858. He enlisted in the Third Iowa Cavalry in 1861, and reenlisted in the same command. He came to South Dakota in 1868 and married a full-blood Yankton Sioux woman. Fourteen children were born to them. A daughter, Rose C. Cook, married a Cris. Fredrick, and soon thereafter died. Her allotment of 160 acres descended to her surviving father and husband in equal shares. They sold it through the office at the Yankton Agency for about \$8,600. Mr. Cook applied for his share of the money, and was threatened that if he did not assign to one of his daughters he could not get it. He submitted under duress. He then got \$2,500, and the agent is still holding that which he assigned to his daughter and the balance. Mr. Cook is not a member of the tribe, not of Indian blood, and in no way under the supervision of the Indian Office. He is treated according to the rule applying to incompetent Indians. The other heir, of part Indian blood, a member of the tribe, is given all his money without any restriction or limitation. Mr. Cook is an old soldier and a pensioner. He receives his pension check without trouble or restriction. Mr. Cook says that the money has an interest-bearing value to him which he does not get, that the superintendent does get it, and that is the reason he withholds it from him.

IN RE OLD INDIANS—LANDS AND FUNDS.

A number of old Indians live at the Yankton Agency, where it is convenient for them to get the \$10 a month which is paid them from their individual funds by the superintendent in charge. I saw an old woman on crutches who got along very slowly and who had to rest often. She came from a little house a half mile from the agency office. In the evening I went to her house to see her. She had gone. While returning from the agency office and the butcher shop she had fallen in a faint, and one party of Indians had taken her to her home, and another party had taken her to the home of some relatives. I saw her.

She said, "I am Sarah Bull, No. 2, I have \$2. some crackers, and that meat (pointing to four small strips of beef hanging in the sun to dry) to last me until next month. I came away from the agency once before, but a policeman came and made me go back. I can not live alone. I need help. When I am alone I am often hungry, thirsty, sick, and cold. Neither the agent, doctor, nor any of the employees come to see me, and I don't want to go back."

Mrs. Brown Thunder, widow, lives on her deceased husband's allotment alone. She sold her deceased son's allotment to get some money, but could not get any. She then sold some of her own land, thinking she could get that, but she has been unable to get either. She has, or had prior to the sale, 200 acres which, with any kind of renting, should bring an income more than necessary for her needs. Her husband's allotment was rented with a good crop on it, and she did not know how it was leased—for cash or share of the grain. She said that she had not received payments since January 1, except one the last of May. I doubted her story and made inquiry of the neighbors, who confirmed what she said. Told how she had gone from house to house for food and shelter, and that during the cold and snow they had taken her food and fuel. Some who did so divided a very scanty supply that they needed at home. I did not have time to run down the office record, but I verified the lands she claimed by the patents in her possession.

Edward Big Bear leased his land to have it broken and put into a state of cultivation. The men who broke it went with him to the office to lease it and offered a rental of \$200 per annum. The superintendent would not allow him to lease it and he would not lease it. Big Bear is 57 years old, has four children and a wife. He is sick and in needy circumstances. He has lost the rent for two years. If the land is not cultivated, it will go back to sod.

Thunder Horse, an old Indian, has the same experience. I drove through his land grown to weeds and asked why it was not farmed, and was told that the superintendent would not allow it to be leased.

Adam Hero makes affidavit that an old Indian woman, Ta si na na za win, went to the subagency for money for food or an order for food. She could get neither. She was told at the time she could buy a team, as the authority was there for the use of sufficient of her money to buy a team. She had been without food some time. She ate a large quantity of chokecherries and died of acute indigestion.

Peter Longfoot complains that he is 79 years old and his wife 68. The wife is blind, so that she has to be led about. That all they have is the money from the office to live upon. That when it is not paid them they have to live on the neighbors or go hungry. That he has been refused his payment for several months without any explanation. There were a number of such complaints, but as I did not have time to verify the essential facts I will not refer to them.

IRON BEAR AND WIFE.

Iron Bear is a well-to-do Indian. Has a nice home, barnyards and sheds, and some stock. A fairly good crop. His wife has a large number of chickens, and there is every indication of comfort and thrift. His daughter attends the country district school with white children near by. A relative died, leaving two children—a boy and a girl—and he aided the widow and children. When the mother was on her deathbed, she asked that he adopt the children. He did so in accordance with the South Dakota statutes. After caring for them some time the boy died, and the girl was sent to school at Phoenix, Ariz. He and his wife are very much attached to the girl, and she writes them. A year ago he was anxious to have her come home for the vacation, and an attorney, G. M. Caster, who is favored by the superintendent, said that if Iron Bear would raise him \$70 immediately he would get the girl home for him. The girl was anxious to come for a visit. Iron Bear believed that the relationship between Attorney Caster and the superintendent was such that he would be most likely to get the superintendent's approval. So he sold a horse, at a sacrifice, to raise the money which he paid Mr. Caster. As far as Iron Bear can learn, he never attempted to do anything, and he could have attempted it for the vacation just past. Mr. Caster now refuses to do any thing further, and refuses to return the money or any part of it.

Iron Bear and wife also complain about being required by the superintendent to go to this man G. W. Caster to make affidavits. He said that Joseph F. Estes complained that he and his wife had made affidavits against him, which were filed with the Commissioner of Indian Affairs. This they deny, and sub-

mit their statements and that of the interpreter. The affidavit of Charles F. Pratt is in part along the same line.

ADAM HERO LAND AND LEASES.

Adam Hero is a full-blood Indian about 60 years of age. He speaks a very little English and writes his name. He has been classed as a competent Indian, which authorizes him to make leases for his land, but upon blanks furnished by the Indian Office and approved by the superintendent, and collect his rent as he chooses. In 1912 he made a lease for 160 acres of land for two years, 1912 and 1913, to William Shaffer. He got from Shaffer a team at \$250, a horse at \$120, and \$100 cash. He was well satisfied with his transaction with Shaffer. During 1912 Shaffer moved to Minnesota and left the land under the control of his agents or employees to farm and pasture the land. There is a provision against subleasing in the printed forms of lease, and a forfeiture clause. I believe that there was an effort on the part of Shaffer to avoid the violation of this clause by taking cattle to pasture and employing men to farm the land. An adjoining farmer desired the land, both the pasture and farm land, and offered to lease from Shaffer, who refused him. This is J. E. McFarland, who says that Harry Hardman, an attorney residing at Lake Andes, S. Dak., told him that he could get him a lease for the land. That later Hardman returning from the agency stopped at his place. He had blank forms of lease which he made up for \$1 per acre for 40 acres of pasture, and \$2.50 per acre for 120 acres of farm land, a total of \$340. Hardman asked for \$100 advance on the rent. J. E. McFarland made out check to his brother, W. I. McFarland for \$100 and he paid the cash to Hardman. Later J. E. McFarland called up Hardman about the lease and was informed that there was trouble on account of a two-year lease approved to Shaffer. Hardman advised McFarland to wait and that he would fix it up later. Before this Hardman had paid the \$100 to Adam Hero, but had gone to him and demanded the return of the money. Adam had spent \$40 and could return only \$60, which he did.

Later Hardman told McFarland that he could arrange with the superintendent to declare Adam Hero incompetent, cancel the Shaffer lease, and then get a lease made to him. Some time thereafter Hardman returned from the agency and had with him leases written up for the land and said that the superintendent had canceled the Shaffer lease, and placed Adam Hero on the incompetent list, so that the land could be controlled through the office and money also. Mr. J. E. McFarland then signed the leases and gave them to Hardman. Hardman then asked for some money to advance on the rent, and he gave Hardman a check for \$115. This check was taken to W. I. McFarland who gave him another check for the same amount and which was cashed by Hardman. The lease called for a payment of \$262.50 per annum, but the payments of \$215 made to Hardman in addition to the rent provided for by the lease made an excess of \$60 more than McFarland had agreed to pay. This lease was approved by Supt. W. A. Leech and the rent for the year 1913 paid by J. E. McFarland, and for which he holds the official receipt of W. A. Leech.

After this lease was approved William Shaffer came to Adam Hero and asked him to give up the team as the agent had canceled his lease. Hero refused and was then offered a check for a hundred dollars, but he still refused. He said, "I knew Shaffer was tricky, and I would not trust him." A policeman came with him. I then went to the farmer in charge of the subagency. He, Mr. Benjamin, told me the agent wanted it fixed that way, and after some delay Mr. Benjamin took the \$100 check and I gave up the team. Mr. Benjamin asked me to pay \$30 that I owed to a white man and let him take it out of the check. I asked him who the white man was, but he would not tell me. So I refused to pay it. The team that I gave back to Shaffer was better then than when I got them. I wanted to keep the team; they were good, strong, fat, and gentle. Mr. Benjamin said he would get me as good a team. Now, I have my land leased for less than I leased it myself, and I can only get orders for goods that the agent's friends want to sell and not what my family and I need. My lease to Shaffer was for \$330 and the new one through the agent is for \$262.50. The rent due me from Shaffer for the year 1912 is \$330, but when I was required by the agent to return the team and take a hundred dollars I only had \$250 for the rent. Before I could get some things on credit and pay for them. Now, I have no credit, and I can not pay debts with the orders I get from the agency.

The official reference to the lease is No. 746 Yankton Agency, allotment No. 943; name, Adam Hero; land, south half of southwest quarter of section 5 and

north half or northwest quarter of section 8, all in township 96, range 64 west principal meridian South Dakota. Receipt for rent, \$262.50, is No. 44, March 8, 1913.

The classifying of Adam Hero as incompetent and then defrauding him creates a criminal liability. The acts of Harry Hardman I do not think could have been consummated without the aid of some official or employee of the agency office.

I submit the affidavit of C. W. Ahrens that he and his friends could not get some hay land and were advised to pay something on the side. He paid to Mr. Benjamin, now farmer in charge of the subagency, \$1.50, and that the other two men with him also paid something—he thinks about the same amount. I went after the other men, but they were away from home and I did not see them. I was promised, however, that their affidavits would be sent me.

The Indians are scattered over a large territory. They fear the agent, who may stop payment of money, leasing of land, or other benefit. The white people who rent land have the fear of being denied new leases and the necessity of moving. A system must be followed to develop some of the wrongs.

Very respectfully,

THOMAS L. SLOAN, *Special Agent.*

SEPTEMBER 16, 1913.

STATE OF SOUTH DAKOTA,

Charles Mix County, ss:

Wickam Tolton, upon oath, states: I am of lawful age and resident near Yankton Agency in South Dakota. Roy Bailey came up to buy a cow or cows. Hanley suggested that he buy the steers we had—that he buy our bunch together. Hanley wanted \$40 per head for his. He came and looked at our stuff and said that he could not say just then, as he was furnishing the judgment on cattle and the other man was furnishing the money; that he did not want to say until he saw his man. The next day Roy and Supt. W. A. Leech came out and they looked over the cattle and talked them over. Bailey and Leech were together when Bailey said, "We will give you \$38 per head for your cattle." Mr. Hanley was present when the statement was made, and he later sold his cattle to Bailey and Leech also. Lee Hanley spoke to me about the combination and what said very recently. It also seems that Leech will only allow leases made to specially favored persons, like Bailey and Houston. I recently leased 40 acres of hay from an old Indian, John Atana, sent the check to the office, where it was held, and finally returned, so that the Indian loses the rent and it is inconvenient for me. I think the injustice is to the Indian, who needs the rent. Since I have been denied the hay, Roy Bailey has asked to buy my cattle, saying he heard I was short of hay for them. It seems a part of their game, Bailey and Leech.

WICKAM (his x mark) TOLTON.

Witness:

THOMAS L. SLOAN.

Signed and sworn to before me September 12, 1912.

[SEAL.]

JOSEPH ESTES, *Notary Public.*

Ed. B. Bailey states: I am 42 years old. I am a resident at Greenwood, S. Dak. I have been among the Yankton Indians since the fall of 1883. During that time I have been away for short periods. I have generally been in the mercantile business. I have a license at this time. There was a period of time at Greenwood that none of the business men had licenses. I think the requirement of a license is a detriment to the Indians. I have a trader's license. Supt. Leech required of me that I handle no meat or do a butcher business as long as Roy Bailey was running a butcher shop at Greenwood.

Given under my hand this 8th day of September, 1913.

E. B. BAILEY.

Witness:

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

George Abdella states: I am 43 years of age, and a resident of Charles Mix County. I was the butcher at Greenwood, S. Dak., and I sold out to Roy

Bailey. Since Roy Bailey has run the butcher shop he has killed and sold in the shop at Greenwood some bulls. The shop is not kept up to standard.

While I was in the shop at Greenwood A. W. Leech offered to lend me money on my butcher stock.

I have not bought any meat at the Bailey shop, because conditions of the shop and slaughterhouse are bad.

I know that A. W. Leech, as superintendent of the Yankton Agency, has given orders to Indians for meat at the Bailey butcher shop.

GEO. ABDILLA.

Signed and sworn to before me this 8th day of September, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public*.

STATE OF SOUTH DAKOTA,

Charles Mix County, ss:

Charles F. Pratt, being first duly sworn, upon his oath deposes and says: I am of lawful age, a farmer, and a resident near the Greenwood Agency, S. Dak. I reside upon land deeded to me, but within what was formerly the Yankton Indian Reservation. I have many Indian neighbors and do some business with them. I go to the Yankton Agency frequently and know many of the people there, including the employees. I have from time to time leased Indian lands or allotments.

I was called to the agency office some time ago to meet an inspector of the Indian Service. I think his name was Flanders. Roy Bailey and Elmer Eddy were there at the same time. I was asked about some beer that was brought to my place. There seemed a desire to have me say that it belonged to Joseph F. Estes. It did not. Roy Bailey and I made an election bet of a barrel of bottled beer. I won and Bailey brought me the beer to my place. He came with it in the auto belonging to Joseph F. Estes. It was intended that the beer should be drunk upon my premises. I so intended.

I told the inspector that Joseph F. Estes had taken two bottles of beer and put them in his pocket, but I do not know that he carried it off with him. I do know that Roy Bailey took a large number of bottles with him. As he had furnished the beer and knew what he was doing, I did not object.

Elmer Eddy and Roy Bailey told what we had to say and it was taken down by a lady stenographer, and we were told to return in about an hour. We did so. When I got back to the office the paper was laid on the table and I was shown where to sign. I did not read it and it was not read to me. I signed it. Mr. Leech was not present, and I did not swear to before him nor any other person. I was not sworn when I made the statement, and I did not at that time swear to it.

Roy Bailey was asked about his relation with Mr. Leech in the butcher shop or butcher business, and after he talked with Mr. Flanders he was told by Mr. Flanders just what to say and how to say it.

I was called as a witness before the Federal grand jury at Sioux Falls, S. Dak. I was approached by a man named Tom Ellroid, who wanted me to say that Joseph F. Estes had taken a large number of bottles from my place when he left. He told me that it had been fixed by Supt. Leech and Roy Bailey to show that Joseph F. Estes had taken a large number of bottles of beer from my place to the agency. He only took two bottles, and I do not know that he took them away from my place. Roy Bailey said the same thing to me, and further promised that Supt. Leech would give me immunity, and see that the United States attorney did not get after me. He tried to induce me to tell that kind of a story to the grand jury. I refused because it was not true.

It is the general impression that Roy Bailey and Mr. Leech are in partnership in the butcher business. Roy Bailey told me that Mr. Leech would not let any other person run a shop while he was there. I have heard that Mr. Leech objected to other persons selling fresh meat. Bailey also told me that Mr. Leech had asked the Indian Office for authority to prohibit other traders selling fresh beef. I believe they are in partnership in the business. Roy Bailey sells the beef to the school, to all the Indians who receive orders from the office, and know that beef has been delivered from his shop to the school.

He has killed some bulls which have gone over the block in his shop. Roy Bailey has told me that the superintendent, Mr. Leech, would extend to him

everything that he could in maintaining an exclusive butcher business. It seems to me that he has done so.

CHARLES F. PRATT.

Signed and sworn to before me at Wheeler, this 12th day of September, 1913, by Charles F. Pratt, who at the time of swearing declared that he read the foregoing and that it was true.

[SEAL.]

W. E. EXON, *Notary Public*.

STATE OF SOUTH DAKOTA,

Charles Mix County, ss:

John M. Cook, being first sworn, states: I am 71 years of age next month. I was born in Germany of German parents. I came to the United States in the year 1858. I enlisted in August, 1861, at Keokuk, Iowa, in the Third Iowa Cavalry, and reenlisted as a veteran in the same regiment. I came to this country—South Dakota—in 1866. In 1868 I married Mary Wuryanwalle, a full-blood Yankton Sioux woman. We had 14 children. My daughter, Rose C. Cook, married Cris Fredrick. She died and left an allotment of 160 acres. Cris Fredrick and I sold the land as sole heirs. The probate determined we were the only heirs and we were so recognized by the Indian Office. Cris Fredrick is one-fourth or less Indian blood, and I have no Indian blood; was never adopted by the tribe and never recognized as a member. The land sold for about \$8,600, of which I was entitled to half. Mr. Fredrick, who is part Indian and a member of the tribe, was told by Supt. Leech that he would give him all his money, but he would not give me my money. He also said he would not give me any money unless I assigned to my daughter, Eunice C. Fredrick, \$1,000. I was forced to sign such an instrument at the demand of Supt. Leech. He gave me \$2,500 and is still holding the other. Everything he has done in withholding my money has been against my will and only submitted to because of his threat that I would get nothing if I did not yield to his demand. For the money, my money, that he has withheld from me, I have not gotten any interest. I receive my pension direct from the United States Government. I have never been confined in nor escaped from an insane asylum. I transact my own business, and I have never been declared incompetent by any tribunal. I am under no obligation to the Indian Office, and not in any way subject, that I know, to the supervision of Supt. A. W. Leech. I know of no reason why he should withhold my money from me, nor why the Indian Office should be bothered with keeping an account for me. I feel that Supt. Leech is using my money and that his holding it is some profit to him. I do not know of any other reason he could have for withholding it from me. The \$2,500, which he held a long time, did not bring me any interest during the time it was withheld from me.

JOHN M. COOK.

Signed and sworn to before me this 10th day of September, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public*.

Frank Lambert states: I'm member of the Yankton Sioux Tribe of Indians and I live southwest of Lake Andes. Some time about the last of July of this year I was in the town of Lake Andes. Some time about the last of July of this year I was in the town of Lake Andes, S. Dak. Attorney G. M. Caster called me into his office to interpret between him and Iron Bear and his wife. Mr. Caster read a letter, which he said was from the Commissioner of Indian Affairs, at Washington, directing that Iron Bear and his wife give testimony against Joe Estes, one of the traders at Greenwood, S. Dak., and he wanted them to make an affidavit or affidavits against Joe Estes. He (Mr. Caster) read an affidavit which he said was made by Joe Nimrod, and which I interpreted to them. He then asked them to make similar affidavits or any statements that they could against Joe Estes. They said they knew nothing of the kind and refused to sign anything. They wanted Joseph Nimrod present, as they knew nothing of the circumstances, and wanted to know why they had been called in the matter.

I do not at this time remember that Mr. Caster said the letter was from the Commissioner of Indian Affairs, but I believe it was a proper inference, if he did not say so. They asked Mr. Caster for fees and for something to eat for

themselves and team. Mr. Caster refused, saying that it was nothing to him, as Supt. Leech had sent them up and they should go to him for pay or whatever they wanted.

Signed September 8, 1913, in Charles Mix County, S. Dak.

FRANK R. LAMBERT.

Witnesses:

THOMAS L. SLOAN,
HENRY FREDERICK.

STATE OF SOUTH DAKOTA,

Charles Mix County, ss:

Mrs. Iron Bear states: That Joseph Nimrod, policeman, came to our house and said the agent or superintendent had ordered them to go to Lake Andes and for them to report to Lawyer Caster. We went to Lake Andes and saw Mr. Caster. He asked us to sign some papers for him, telling the Commissioner of Indian Affairs had written him a letter, telling them say what they knew against Joe Estes. He read us a paper he wanted us to sign. We did not know the things he wanted us to sign, so we refused. We did not sign any paper for Mr. Caster and we not swear to any paper that day nor at any other time. We never signed and swore to any paper, making any statement against Joe Estes. It was at Lawyer Caster's office at Lake Andes that he asked us to sign the paper. Frank Lambert was the interpreter for Mr. Caster and my husband and I. When we got through we asked Caster for our fees. He told us he would not pay anything; for us to go to Supt. Leech, who sent us. We then asked for enough to feed our team and to get us something to eat. He refused us. It was a very hot day; hard on my husband and I and very hard on our team. We came back to the agency and my husband went to the office. I did not.

Mrs. IRON (her thumb mark) BEAR.

Witnesses:

THOMAS L. SLOAN,
HENRY FREDERICK.

Signed and sworn to before me September 8, 1913.

[SEAL.]

JOHN F. ESTES, *Notary Public.*

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

My name is Iron Bear. I am 64 years old. I am a member of the Yankton Sioux Tribe. My nephew, Caje Yadhani, calling him by the name as he walks, died leaving a widow and two children. Before the death of the mother she expressed the desire that I adopt the children, and I did so and took care of them. Their names were Emma Caje and James Caje. The boy, after a long sickness, died. The girl, after being with me a long time, was sent to Phoenix (Ariz.) school. She has written me often, wishing to come home to see her relatives, and my wife and I are anxious to see her. Attorney G. M. Caster, of Lake Andes, S. Dak., said if I would furnish him \$70 he would bring the girl home for vacation. I sold some horses to raise him the money. It is about a year ago. He has done nothing and says he will not, and he refuses to return the money or any part of it.

IRON (his thumb mark) BEAR.

Signed and sworn to before me this 5th day of September, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public.*

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

Iron Bear states: I am 64 years of age about, a Yankton Sioux Indian, and I reside about 5 miles northeast from Greenwood, the Yankton Agency. During the month of July, 1913, Joseph Nimrod, an Indian policeman, under the direction of Supt. Leech, came to my home and directed that my wife and I be at Attorney Caster's office, at Lake Andes, by order of subpoena. He came about 8 o'clock, and said we would have to be there at 9 o'clock. I got my team ready and hurried to Lake Andes, about 20 miles. When I got there Mr.

Caster told us that Supt. Leech had subpoenaed us. He then read us a letter, which he said was from the Commissioner of Indian Affairs at Washington, directing that we make statements against Joe Estes, at Greenwood, S. Dak., and then read a paper with statements against Joe Estes that he wanted us to sign. As we did not know the things he wanted, we refused to sign. Frank Lambert was the interpreter for Attorney Caster and my wife and I. The things he wanted us to say were not known to us and not true, as far as we knew. We did not sign any paper for Mr. Caster nor any other person. We did not swear to any paper before Mr. Caster or any other person. We had driven our team hard and were tired and hungry and asked Mr. Caster for our fees. He refused us, and said that we had come at the order of Supt. Leech and he would not pay us. We asked for enough to buy a meal and feed the team, all of which was refused. We came directly back to the agency and asked Supt. Leech for fees or expenses for going to Lake Andes. This Supt. Leech refused to pay us.

Supt. Leech said he would not pay us anything, that we would have to get our pay from Mr. Caster. I then told him I would not go for Mr. Caster again. Supt. Leech then told me if I did not go out to Mr. Caster's again as he directed he would put me in jail. I told him he could do so as I would not drive my team that way again, and that it was not right that I should drive my team without feed and my wife and I go hungry to do his bidding. When Supt. Leech spoke to me he appeared to be in manner and speech angry. He has not treated me right since then.

This caused my wife and me to drive our team over 40 miles without feed and my wife and me to put in a long hot day on the road without food or pay.

Witness to mark:

THOMAS L. SLOAN.

IRON (his thumb mark) BEAR.

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

Sarah Bull, No. 2, states: I am about 83 years old. I am a Yankton Sioux Indian. I have been living at the agency reserve, about a half mile from the agency. I have a small house there where I have been living alone. I can not walk at all without crutches. I went to office (Aug. 6, 1913) to get my \$10 a month. I got it and asked superintendent to give me \$20 of my money a month. He said I was like a child and that I did not take care of what I got. He refused to do anything more for me and told me to go and not bother him. After I bought some food I only had \$2 left. On the way home I fell down and fainted. Charley La Plant and Susan Melette helped me home. I am so helpless that I could not stay there alone, so I have come to some friends. While I was at my house near the agency I was hungry many times. Sometimes I had nothing to eat and could not get anything. Many times I was so crippled and sick that I could not get out, and I could do nothing. I never had any help from the agency, and I never had one of them come to see me, not even the doctor. Once before when I was sick I came to son's home so they could take care of me, the agency police came and ordered me back to my agency house. I was told at the agency office if I left my house they would stop paying me any more of my money.

SARAH (her thumb mark) BULL No. 2.

Signed and sworn to before me this 7th day of September, 1913.

[SEAL]

JOSEPH ESTES, Notary Public.

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

Toie waste win, or Mrs. Brown Thunder, states: I am about 80 years of age. I am a Yankton Sioux and I belong to the Greenwood Agency. I am a widow, I had nine children, all are dead. I am living on my deceased husband's allotment. My house is small and cold. I am alone. The hail two or three years ago broke two of the window glasses. I have not been able to put them in and it is much colder in the winter. I sold 160 acres of my deceased son's land, the money is or was at the agency. I have had no money since January, 1913. They said at the office I could not get any rent until next spring, and I have nothing to live on during the winter. I am so old I may be dead next spring. I have no order on any of the stores since last January. I beg

something to eat from William Beau. I sold some of my deceased son's land so I could get some of the money. I soon found that I could get nothing from the sale of that land, so I sold some of my own and now I can get nothing from either. I went to the agency yesterday and they told I could get nothing. I came home crying for something to eat. They would not tell me when I could get something.

TOIE WASTE WIN, OR

Mrs. BROWN (her thumb mark) THUNDER.

Signed and sworn to before me September 7, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public.*

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

William Beau states: I am a Yankton Sioux Indian and I live near Mrs. Brown Thunder. During the past winter she often came to my house cold and hungry. She had nothing to eat and nothing to keep warm. I believe she would have starved had we not helped her. When the weather and roads were bad we took her food and fuel. She has land and money from the sale of land, but seems unable to get money for food.

WILLIAM (his thumb mark) BEAU.

Signed and sworn to before me this 7th day of September, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public.*

STATE OF SOUTH DAKOTA,

Charles Mix County, ss:

Adam Hero, being first sworn, states: I am a Yankton Sioux, belonging to the Greenwood Agency. In the month of July, 1913, an old Indian woman, Tassennazawm, went to the agency and asked for her money, the sum of \$10 per month which was due her, and she went to Mr. Benjamin for something to eat, or an order for it. He refused to give her anything, but told her there was authority for her to buy a team and for her to look for one. She was without food of any kind. She went from the subagency and ate chokecherries, which was all she could find. She died of acute indigestion, brought on by hunger and the kind of food she ate. There was no one with her when she died.

ADAM HERO.

Witness:

THOMAS L. SLOAN.

Signed in my presence and sworn to before me this 9th day of September, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public.*

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

Edward Big Bear states: I am 57 years of age past. I have a wife and two children, 4 and 1 year of age. I am living about 3 miles northeast of Greenwood, S. Dak. I have only a small patch of crop this year, because I was sick last spring. I have 80 acres, the allotment of my deceased daughter, Emma Big Bear. Twice, last year and this year, I took a white man to the office to lease this land. I could have gotten \$200 for it each year. The superintendent, Leech, refused to allow me to lease it, and said that he would lease it for me. It has now lain idle for two years, and this year, on account of my sickness, I am in needy circumstances. The rent from this land would have made my family comfortable, and now we are in need.

There were two white men who would have leased this land from me. They had broken it up and used it three years for breaking it, and when I could have gotten something from it the superintendent prevented and refused to lease it to these men or any others. If the land is not farmed, it will go back to sod.

EDWARD BIG (his thumb mark) BEAR.

Witness to mark:

THOMAS L. SLOAN.

Signed and sworn before me this 6th day of September, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public.*

STATE OF SOUTH DAKOTA,

Charles Mix County, ss:

Ape-sna-wui states: I am a Yankton Sioux, 47 years old. I can only see out of one eye a little. The agency doctor has never done anything for me. I am living on my father's land. I have this small log house, one window, no floor, and dirt roof, 10 feet by 12 feet, 6½ feet high. I have two girls about 12 and 17 years of age. My husband is named Walter De Ronde, 49 years. He is not well and has trouble with his legs. He can not do much. I have 120 acres of land. It is leased and broke up for farming and is east of Lake Andes. The rent goes to the office at Lake Andes. The rent amounts to \$340 per year. I never got any money. All I can get is orders on the stores at Lake Andes. Benjamin, subfarmer, gave me the orders. We got a wagon and other things for farming until they said the money was gone. We have a team, one old horse, and that is good. My husband was only able to do a little work. He farmed a small piece of land to corn. The crop will not make much. He cultivated three times. The office took \$80 of my rent to pay the funeral expenses of my deceased husband, Four Star, and I have not been able to get anything from his land. It is more than three years ago. My husband and I are poor, sick, and needy. We have nothing on which to live during the coming winter.

MRS. WALTER DE (her thumb mark) RONDE.
APE-SNA-WUI.

Signed and sworn to before me September 9, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public*.

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

Peter Longfoot states: I am 79 years old past. I am a Yankton Sioux Indian, of Greenwood, S. Dak. I live about 15 miles east from the agency. My wife's name is Julia Good Road. She is 68 years old. My wife has bad eyes, so that she needs help to get about.

Last spring in the month of April I went to visit the Omaha Indians. When I came back my wife and I went to the agency to get our \$10 due us each for that month. They refused both, and were without anything to eat but corn. That was all we had to eat while we were home. When we got very hungry we went to our relatives and neighbors for something to eat.

This money with the superintendent which is paid my wife and I each month is all we have to live on, and when we do not get it we suffer and go hungry for some part of the time.

PETER (his thumb mark) LONGFOOT.

Witness to mark:

THOS. L. SLOAN.

Signed and sworn before me this 6th day of September, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public*.

STATE OF SOUTH DAKOTA,

Charles Mix County, ss:

Hon a hon pi win states: I am past 70 years of age, a Yankton Sioux. I live now south of Lake Andes. I used to get \$15 a month, my share of the tribal fund. Now I only get \$10 a month, and I often go hungry. I have 80 acres of land. I don't know how it is leased, as the agent leases it to a white man. He takes the rent to the agency. I don't know from what I get the \$10 a month now. But is not enough for me as I am a widow and without help. I would like to know about it. I get my monthly payments from farmer Benjamin.

HON A HON PI (her thumb mark) WIN.

Signed and sworn to before me this 9th day of September, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public*.

STATE OF SOUTH DAKOTA,

Charles Mix County, ss:

John E. McFarland, being first duly sworn, upon his oath says: I am a resident upon the land of my brother, 5 miles east of the town of Lake Andes,

S. Dak. During the year 1912 I tried to lease from William Shaffer the 40 acres of pasture land that he had leased from Adam Hero. He wanted \$2 an acre of it. I would not pay that much. In the spring of 1912 William Shaffer went to Minnesota, and Mr. Soat and Fred Nanswinger had this land and used it, and Mr. Soat farmed the rest of the Adam Hero allotment, although he had some others farm a part of it. Mr. Gilbreath, of the Valley State Bank of Lake Andes, S. Dak., looked after the grain from the Adam Hero land under lease to Mr. Shaffer. There was 2,200 bushels of wheat raised on 80 acres of the Adam Hero land. Wheat was worth at that time 77 cents per bushel. That was what I got for mine, and wheat on the Adam Hero land was better than mine.

In September, 1912, Harry Hardman came to my place and said he could get the Adam Hero land for me. He had just come from the agency, he said, and had leases with him from the agency, and said that the agent told him to make up the lease for me. He sat down in my house and made up the lease at \$1 per acre for 40 acres of pasture, and \$2.50 per acre for the farm land at a total of \$340 per annum. I signed the leases and gave him \$100 to pay on the rent. I had no money at the time, so I gave my brother, William I. McFarland, my check for \$100, for which he gave me the cash and paid it to Harry Hardman.

Some time after I paid this money to Harry Hardman, Adam Hero came to my house and wanted some money on his lease. All the copies of leases which I signed before Harry Hardman I delivered to him. So I did not have any lease when Adam Hero came. I then called up Hardman and asked him about it, and told him I had no money to pay Adam Hero, and that I had given him (Hardman) the advance rent. He told me to send Adam Hero up to him, and I did so. Later he told me he had paid Adam Hero the \$100. After waiting some time about the lease I called up Harry Hardman over the phone, and he told me there was trouble over the Shaffer lease and that it would have to be canceled first, and you wait and I think it will pan out all right. I have had a talk with the agent, Mr. Leech, and we are going to put him (Adam Hero) on the incompetent list.

Later Harry Hardman came to my place, returning from the agency at Greenwood, S. Dak. He had with him the leases which I signed. He then told me he had seen the agent at Greenwood and that Adam Hero had been placed by the agent on the incompetent list and he could now fix up the leases. I signed the leases at that time; that is, one lease, but made up in quadruplicate. Harry Hardman came alone in an auto. The lease is for "Yankton allotment No. 943." Lease 746 for south half of southwest quarter of section 5 and north half of northwest quarter of section 8, all in township 96, range 64 west, fifth principal meridian, South Dakota, 160 acres from March 1, 1913, to March 1, 1915, at \$262.50 per annum payable March 1 of each year.

I have receipt No. 44, March 8, 1913, for \$262.50, allotment No. 943, lease No. 746, signed A. W. Leech, United States Indian agent. The signature is written with pen and ink and not stamped. At the time of making up the lease and while Harry Hardman was at the house, I gave him a check for \$115. The check was cashed by my brother, William I. McFarland, at Wagner. Harry Hardman told me to give him a check for \$115 on the rent. Then I looked at my lease and found that with the \$215 I had paid Harry Hardman, and the \$262.50 per annum it amounted to \$60 more than the first lease I had made up for \$1 per acre for the pasture and the \$2.50 per acre for the 120 acres. As I realized this I said to Harry Hardman, "who is to pay you for your trouble." He said, "I will get it out of this," referring to the check that I had given him for \$115. Both of the checks I gave him were paid by me as rent, and in each instance Harry Hardman accepted it as rent to be paid to the Indian; in fact he asked for it as advance rent. I thought, and I expected to pay Harry Hardman for getting the lease for me, but when I found that I had paid to him \$215 on advance rent, and I had to pay the office \$525, which was \$60 more than the first lease made, I did not feel that I was treated right and I also doubted the propriety of paying to him the \$215. When Hardman told me he would get his pay out of the check I concluded he was working for some one else in the matter and not for me, and that I ought not pay anything to him for what was done for me in the matter. Hardman also told me that Adam Hero had paid back to him \$60 of the \$100. My brother, William I. McFarland, got notice from the Indian school, Greenwood Agency, to pay the rent called for by the lease into the office. I sent it and got the receipt I have returned to me by mail. The checks for the \$215 that I gave to Harry

Hardman were drawn on the Commercial State Bank at Wagner, S. Dak. My brother has one check and the bank has the other.

J. E. MCFARLAND.

Signed in my presence and sworn to before me this 10th day of September, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public*.

STATE OF SOUTH DAKOTA.

Charles Mix County, ss:

Adam Hero, being sworn on his oath, says: I am a Yankton Sioux, of Greenwood (S. Dak.) Agency. I am about 60 years old. I have my home south of Lake Andes. I leased my allotment to William Shaffer, and this would be his last year. I made the lease to Shaffer myself. I got a team on the lease from Shaffer. Then another horse, making three horses; the team for \$390 and the horse for \$120. Then I got \$30 in cash; the total being \$540. The rent was \$330 a year. This lease was approved by the agent. Shaffer had the use of the land last year, 1912. It was made at the rate of \$2.50 per acre for 120 acres and 75 cents per acre for 40 acres. Last year, in September, 1912, Harry Hardman, here in Lake Andes, asked me for the Shaffer lease. He asked for it twice and then said he wanted to write to Shaffer. So I gave it to him. The next thing heard was that the agent or Supt. Leech had leased my land to some one else. I did not know what he had done; I just heard it. About that time I was in Harry Hardman's office and I saw my lease to Shaffer, and I took it and put it in my pocket. Harry told me that the superintendent, Leech, wanted the lease, and that he would have to send it to him. So I gave it back to him. Just about that time, when I heard that Supt. Leech had leased my land to Mr. McFarland, I went to him and asked for some money. He said he had paid Harry Hardman \$100 for me, and he called Hardman up on the phone and he told me to come to town and he would pay me. I went to town, Lake Andes, and Hardman paid me \$100. Not long after Hardman called me in and said he had to have the \$100 back. I only had \$60 left and I gave that back to him.

About this time Mr. Shaffer came to my house with the policeman, Joe Gassman, at the subagency at Lake Andes. Joe Gassman interpreted for Mr. Shaffer. Mr. Shaffer said that Supt. Leech had taken the land away from him and he wanted the team back. I knew that Mr. Shaffer was tricky, so when he offered me a check for \$100 I would not take it, and would not give up the team. So we went to Mr. Benjamin, the farmer, at Lake Andes. He said to me that the superintendent, Mr. Leech, wanted me to give Mr. Shaffer the team and take the money. That was, he said, what Supt. Leech wanted. At this statement by Mr. Benjamin, that he and the superintendent, Mr. Leech, wanted it done that way I thought I had to do so. When Benjamin saw the team he said they were a fine team and in good shape; that he would see I got as good a team. The team was young and in better shape when they were taken from me than when I got them. Mr. Shaffer took the team and left \$100 with Mr. Benjamin. Shaffer had the land for one year. So when he took the team back by the superintendent's direction only had for my rent of \$330, one horse at \$120, \$30 cash paid me by Mr. Shaffer, and \$100 left with Mr. Benjamin, or \$250 instead of the \$330.

Besides that, the team I lost was worth more when they took them than when I got them. In doing this, the superintendent, Mr. Leech; the farmer, Mr. Benjamin; and Mr. Hardman were working against me and for the white man, Mr. Shaffer. Besides all this, Mr. Benjamin asked me to pay him \$30 for a white man. He asked me twice and more times, and would not tell who the white man was.

Before this I was on the competent list, and made my own lease, collected my rent from the renter, and I bought what I wanted or needed. I had rented my land for \$330 a year. Now the superintendent, Mr. Leech, with the help of others, leases it for \$262.50. My land is worth more than \$300 rent a year, and Supt. Leech is stealing a part of my rent, or helping some one else to steal it. The man on my land tells me he has paid out more money for rent of my land than is called for by the lease and than he has paid into the office.

The work of Supt. Leech brings me less rent, and the settlement he makes for me takes from me my property, with no payment of my lease as I contracted it. Now I have to take orders on stores for the things the superintendent's friends or storekeepers want to sell. I can not get what I or my family need.

I have been leasing my land for years. I have never had any trouble with my renters. I always got my rent. I knew what I needed, and I always used my best judgment as to what I should do. I have always had a credit with the stores for a reasonable amount when I needed it. During sickness or other necessity I could go to my renter and get some advance, and when I got my rent I could pay my debts. Now I have no credit. I can only get orders, and they do not pay debts. My lease made by Supt. Leech brings me less money, so that I am poorer. I feel that much has been taken from me, and that I am not treated right. I have a home, a wife, and a son. I have a married daughter whom I raised. I have cared for all, but do not know now what to do if the superintendent can take from me anything he wishes. I signed the last lease at Hardman's office. He had it.

ADAM HERO.

Witnesses:

HENRY FREDERICK,
THOMAS L. SLOAN.

Signed and sworn to before me this 9th day of September, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public.*

WAGNER, S. DAK., *January 7, 1913.*

THE FIRST STATE BANK.

Pay to Harry Hardman or order \$115.00 (one hundred fifteen dollars).

W. I. McFARLAND.

(Indorsements:)

Harry Hardman.

Pay to the order of any bank or banker. Lakeside State Bank, Lake Andes, S. D. A. Amundson, president.

Pay to the order of any bank or banker. Previous endorsements guaranteed. Jan. 10, 1913. Live Stock National Bank (41-4), Sioux City, Iowa (41-4). G. D. Van Dyke, cashier.

WAGNER, S. DAK., *September 30, 1912.*

COMMERCIAL STATE BANK.

Pay to W. I. McFarland or order \$100.00 (one hundred dollars).

J. E. McFARLAND.

(Indorsements:)

W. I. McFarland.

Pay to the order of Security National Bank, Sioux City, Iowa. Prior endorsements guaranteed. Andes State Bank, Ravinia, S. D. T. C. Pier, cashier.

Pay any bank or order. Prior endorsements guaranteed. Oct. 3, 1912. Security National Bank, Sioux City, Iowa. C. W. Britton, cashier.

Received of W. I. McFarland two checks, described as follows:

WAGNER, S. DAK., *January 7, 1913.*

THE FIRST STATE BANK.

Pay to Harry Hardman or order \$115.00 (one hundred fifteen dollars).

W. I. McFARLAND.

(Indorsed on back:)

Harry Hardman.

Pay to the order of any bank or banker. Lakeside State Bank, Lake Andes, S. D. A. Amundson, president.

Pay to the order of any bank or banker. Previous endorsements guaranteed. Jan. 10, 1913 (41-4), Sioux City, Iowa. G. D. Van Dyke, cashier.

Paid. First State Bank, Wagner, S. D.

WAGNER, S. DAK., *September 30, 1912.*

COMMERCIAL STATE BANK.

Pay to W. I. McFarland or order \$100.00 (one hundred and no/00 dollars).

J. E. McFARLAND.

(Indorsed on back:)

W. I. McFarland.

Pay to the order of the Security National Bank of Sioux City Iowa. Prior endorsements guaranteed. Andes State Bank, Ravinia, S. D. T. C. Pier, cashier.

Pay any bank or order. Prior endorsements guaranteed. Oct. 3, 1912. Security National Bank, Sioux City, Iowa. C. W. Britton, cashier. Paid Commercial State Bank, Oct. 4, 1912.

Dated this 10th day of September, 1913, said checks to be submitted with evidence and report to joint commission to investigate Indian affairs.

THOS. L. SLOAN, *Special Agent*.

STATE OF SOUTH DAKOTA,

Charles Mix County, ss:

W. I. McFarland, being first duly sworn, upon his oath says: I am a brother of J. E. McFarland, to whom lease was made for the Adam Hero land. One Harry Hardman came to my brother and said that he could get him a lease. Later he came from the agency at Greenwood and said that he had seen the agent and gotten a lease for the land. A lease was signed by my brother at the rate of \$2.50 per acre for 120 and \$1 per acre for 40 acres. My brother drew a check and I gave the cash for it, and it was paid to Hardman as an advance on the rent. Later Hardman said that there was a lease to Shaffer and that the agent would have to declare Adam Hero incompetent and cancel the Shaffer lease and make another. Later he came, he said, direct from Greenwood Agency and that the agent had canceled the Shaffer lease and made up a new one to my brother, J. E. McFarland. On this lease he asked for \$115 and my brother gave him a check, and when he came to Wagner with it I took it up and gave him my check, which he cashed, and which I submit herewith marked "A." It was advanced rent for the Hero lease, and so I understood it from Mr. Hardman. My brother has paid to Mr. Hardman \$215, and the lease calls for \$262.50 each year for two years, in addition to the sum paid Hardman. I got a notice from the Greenwood Agency in March to pay the Adam Hero rent money into the agency office, and I drew my check to Mr. A. W. Leech for \$262.50, and the same has been paid and receipted for by the agent.

W. I. MCFARLAND.

Signed in my presence and sworn to before me this 10th day of September, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public*.

STATE OF SOUTH DAKOTA,

Charles Mix County, ss:

C. W. Ahrens, being first duly sworn, upon his oath says: I am a resident of Charles Mix County and I rent some Indian land. Last spring Mr. S. N. Overgarred, Mr. William Montieth, and I needed some hay land. We had trouble getting it, and at last it was suggested that we give a little on the side, as that would help us. We paid, each of us, to the farmer, Benjamine, some money. I gave a dollar and a half and the others gave about the same amount. We got what we were after.

C. W. AHRENS.

Signed in my presence and sworn to before me this 10th day of September, 1913.

JOSEPH F. ESTES, *Notary Public*.

(Down to here included as part of report of T. L. Sloan, special agent.)

SEPTEMBER 16, 1913.

JOSEPH F. ESTES, *Wagner, S. Dak.:*

Wire me at once full information relative to persecution of witnesses who made affidavits before Sloan relative to investigation. This information for Joint Commission to Investigate Indian Affairs. Advise if you have heard from Sloan.

HARRY LANE, *United States Senator*.

[Night letter.]

WAGNER, S. DAK., *September 19, 1913.*

HARRY LANE,

United States Senator, Washington, D. C.:

Supt. Leech is telling Indians that T. L. Sloan was an imposter. Supt. Leech is rounding up the Indians who gave affidavits to Sloan and threatening them with his displeasure. Two old Indian women, Mrs. Sarah Bull No. 2 and Mrs. Brown Thunder, were refused by him their usual money allowances because they had made affidavits. Supt. Leech with Supervisor Neil are trying to get retractions from those who made affidavits. Have not heard from Sloan.

J. F. ESTES.

[Telegram.]

WASHINGTON, D. C., *September 20, 1913.*

Senator JOE T. ROBINSON,

Chairman, North Yakima, Wash.:

J. F. Estes, of Wagner, S. Dak., has wired Senator Lane that Leech, superintendent of the Yankton Sioux Reservation, is persecuting all Indians who made affidavits before Sloan. Senator Lane is very anxious to take the matter up and have Leech suspended. He wants your approval before taking action.

Answer.

R. B. KEATING, *Secretary.*

[Telegram.]

NORTH YAKIMA, WASH., *September 27, 1913.*

R. B. KEATING,

Secretary, S. O. B. 331, Washington, D. C.:

Telegram about Yankton Sioux matter just received. Tell Senator Lane to use best judgment. I think best to confirm Estes's statement before acting upon it. If true, by all means proceed at once against agent.

JOE T. ROBINSON, *Chairman.*

[Night letter.]

YANKTON, S. DAK., *September 30, 1913.*

Hon. HARRY LANE,

United States Senator, Washington, D. C.:

Please wire me at once at Sioux Falls, S. Dak., care Cataract Hotel, whether you have received my telegram giving information with regard to Supt. A. W. Leech persecuting parties who gave affidavits to Mr. Thomas L. Sloan. Supt. Leech continues persecuting them. Please give Mr. Sloan's address.

J. F. ESTES.

Mr. THOMAS SLOAN,

Special Agent, Tulsa, Okla.

OCTOBER 1, 1913.

DEAR SIR: Will you please advise me at once full information regarding your investigation at Yankton Sioux Agency, Yankton, S. Dak.? Names of Indians, affidavits of witnesses, and everything pertaining to characters of Leech and Estes. Estes has wired me that parties who made affidavits before you are being persecuted by Leech. This matter is important and should be attended to at once.

Very truly,

HARRY LANE, *U. S. S.*

[Telegram.]

WASHINGTON, D. C., October 9, 1913.

Senator JOE T. ROBINSON,
Alexandria Hotel, Los Angeles, Cal.:

I will back your action Cushman School superintendent. Superintendent Yankton Agency ought also to be removed for punishing witnesses who testified before Sloan in behalf of commission. Kelloggs complain of being kept under surveillance and mail tampered with by department.

HARRY LANE,
United States Senator.

YANKTON INDIAN AGENCY,
Greenwood, S. Dak., November 3, 1913.

HON. JOE T. ROBINSON,
*United States Senator, Chairman of the Commission to
 Investigate Indian Affairs, Washington, D. C.*

MY DEAR SENATOR: I am inclosing to you herewith a statement of some facts in connection with the management of affairs and conditions existing among the Yankton Tribe of Sioux Indians of South Dakota. These are only a few of the glaring cases which have come under my personal observation. I sincerely hope that your commission will be able, in the near future, to visit the Yankton Indian Agency, S. Dak., and make a thorough and rigid investigation of the same.

Very respectfully,

JOSEPH F. ESTES.

NOVEMBER 11, 1913.

Mr. JOSEPH F. ESTES,
Greenwood, S. Dak.

DEAR SIR: Your letter of November 3 addressed to Senator Robinson, chairman, and inclosing additional information regarding the Yankton Sioux Agency, has been received. The commission has not returned from their western tour of investigation, but will probably do so in a few days, and your communication will be called to the attention of the chairman.

Very truly,

R. B. KEATING, *Secretary.*

J. F. ESTES'S EXHIBIT B.

YANKTON INDIAN AGENCY,
Greenwood, S. Dak.

CHAIRMAN AND MEMBERS OF THE COMMISSION TO
 INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

GENTLEMEN: Although a Yankton Sioux Indian, I am an American citizen. I was born and spent my early childhood in the wilds of the Sioux country, among a bold, fearless, and warlike people, who from time immemorial had roamed the forests and plains with none to molest or make them afraid. Among the first sights that greeted my baby eyes were the roving herds of wild deer, antelope, and buffalo. The first stories that were told me were of the feats and accomplishments of the great warriors of my tribe; the stories of the Great Spirit; and the picturing before my mind's eye of the happy hunting grounds to which all the warriors and heroes who had passed away had entered with glory and rejoicing.

My people were, when I was a lad among them, a law unto themselves. Their proud spirit, their noble, wild manhood, their native honesty, their love of truth, virtue, and integrity had not yet been shaken by the contaminating influences to which they have of recent years been subjected.

As a child I saw the onward tread of the white man, and gradually felt his power and influence in limiting the range and fields of operation of my people. When very young I attended the councils of war and heard the defiant, brave, and bold utterances of the warriors. I heard my people talk of the influences and power of this great Government, and debate their rights and privileges in

their councils on the banks of the river that bears the name of our tribe—Sioux.

But now as a tribe, as a great nation, they are gone. Their manly traits of character are oozing out, their proud spirit has been broken, and they are generally adjusting themselves to conditions that will lead them—God knows where.

Gradually, with my people, I learned the power and influences of the Government of this Republic, and learned how inevitable was the day when we should be driven and restrained in the small corners of our former territory.

Under proper influences, with proper surroundings, and proper treatment they would let go the habits, customs, language, and tradition of our ancestors and accept for the better the white man's civilization. But, unfortunately, we are not surrounded, guided, and controlled by such influences. Some of the men and women who have been sent among us as agents, superintendents, employees, missionaries, and teachers are all that could be desired. They are faithful, honest, good, and true. But others who have been sent are all-around bad. They are the embodiment of venality, rascality, hypocrisy, deceit, and fraud. Their presence, their very touch of things decent, is poison.

As a young man I attended the Hampton School in Virginia, and being educated I became a teacher among my people in the service of this Government for many years, and with what my wife and I saved we purchased a store upon our reservation, made a home there, and entered into business with my people. I was elected clerk of the circuit courts for the Charles Mix County, S. Dak., in the year 1908, and served in that capacity for two terms, and subsequently I was employed as an interpreter by the United States Circuit Court for the District of South Dakota, and held that position under Hon. John E. Carland, district judge, for three years. Resigning that position I was appointed postmaster for Greenwood, S. Dak., which position I now hold.

For over 40 years I have dwelt among my people and have by constant effort and application secured for myself and family a competence whereby I have been able to send my children to schools other than those provided by the Government for Indian children.

By reason of my education and experience, I know the life, customs, and habits and history of the Sioux Tribe, and I can speak as one having authority about knowledge which I have obtained at first hand.

I have no ulterior motive and am prompted only by a desire to help my people by placing before you and the people of this great Republic certain facts and information, which I am sure have not before come to your attention, else so great, good, and generous a people as constitute the American Government would not tolerate the wrongs, sufferings, and affliction which has been heaped upon that great Indian Nation which has possessed so many brave and courageous warriors and which has always kept its promises and have been faithful upon all occasions.

My education and many years of experience have taught me, as I have often told the members of my tribe, that the people of this great Republic believe in justice and fair dealing, and that the wrongs which have come to us have never had the knowledge, sanction, or approval of the citizens of this Nation.

It has been the system and the methods applied and adopted in dealing with the American Indian which has been at fault and not the will or intention of the American people. I do not speak harshly, nor think evil of the Indian Department as a whole, because, as stated before, in the service of the Government and dealings with the Indians have been many men and women of high character and noble purpose and intentions. But in a representative government, as is the form of this Government, where many officials come by appointment, it is but natural to recognize that many unworthy men and women have come into the ranks of that great army of Government officials who have had the direct control of the destinies of my people.

As a part of the plan of Government adopted at this time, the office of the Indian agent and Indian superintendent come in close contact and deal directly with the individual Indian. And because of the conduct of these men, in many instances great suffering, humiliation, and disgrace have come to my people, and generally among the Indians these officials have been looked upon as enemies, selfish, domineering, arbitrary, who must be tolerated simply because behind them stands the great and powerful, yet invisible, arm of this Government to crush the life out of those of us who do not readily submit to the indignities which come to us at the hands of these officials.

Every citizen of the United States is interested in seeing that all our people get an equal opportunity to enjoy the blessings which flow from this glorious

Government, and in order that these opportunities and blessings may come to that great suffering tribe of which I am a member, I call your attention to some conditions which you do not know to exist under the present agency management at the Yankton Indian Agency, S. Dak., which are seared upon my heart and burned into my brain.

There is a universal suffering among the Indians to a greater or lesser degree, occasioned by the present management, which suffering is useless and wholly unnecessary under proper management.

So niggardly, mean, and selfish on many occasions has the treatment of these Indians been that these once proud and fearless people are becoming fawning sycophants, and in many instances cowardly, suffering in sullen silence. The domineering, autocratic rules of the agent, by methods of withholding the allowances to the Indians, threats of expulsion, and misuse and abuse of power are fast intimidating the great tribe into submission and despair. I personally know of instances where a degree of independence was exhibited in which the Indians were disciplined by starvation and ill treatment until his once proud spirit was humbled and broken.

A once proud and noble race of people, braver and grander than builded Athens or established the City of the Seven Hills, is fast being degraded into submission and sycophancy by the methods of this glorious Nation, which ought to, and which I believe at heart intends to, build up and cherish the best and bravest traits and characteristics of my people. But we are a broken, disheartened nation of dependents in a Nation that teaches self-reliance and independence. Our condition has been brought about by the methods which I have suggested—wrong, false, and unworthy of the Great Father in Washington.

There is no sadder story, none more tragic, than the story of the American Indian. From the day when the undaunted, the fearless, the immortal Bartolome de las Casas raised his voice, and, in the defense of the Indian, sent its echoes ringing to the feet of the imperial throne, down to the last voice that has defended the Indian's rights, the relations between the white man and the Indian have not redounded to the credit of the white man. Cruelties have been perpetrated upon these Indians by the local agents and superintendents, and even now they are perpetrated, that put into the shade anything we read in the acts of the martyrs or that may have been inflicted by the American Indians. They do not seem to remember their obligations toward the Indians—obligations founded in conscience and based upon the eternal principles of justice.

Things about the United States Indian agencies are not always as they seem, and the Yankton Indian Agency, S. Dak., is no exception to the rule. And I desire to call your attention to some of the conditions existing among my people—the Yankton Sioux Indians—and the conduct of some of the officials and people about the agency.

1. The meat and flour at the Government Indian boarding school are kept in the same room and at times are so foul and decomposed that the stench therefrom is terrible. Witnesses to this are Mr. Henry Frederick and William Bezely.

2. The water supply for the school and the agency is taken from the Missouri River by pumping, not filtered. During the winter of 1913 Policeman Joseph Nimrod had a horse and a colt die. He dumped the carcasses into the river with a weight, where they were held just above the intake to the school water supply, and left there until about the 1st of June. Then, after numerous complaints, they were cut loose. This same man dumps his stable manure in the same place, and complaints to the superintendent have been of no avail. Witnesses, William Bezely and J. F. Estes.

3. The conditions at the school are bad. Many of the children have bad eyes, evidently trachoma, and are neglected as to those affected, and prevent the spread of the disease. The children are dirty, lousy, and poorly clothed. The Indians would not send their children to this school if they were not compelled to do so. The superintendent sends out the police after and coerces others to send their children to the Government school by withholding from them their rents and money due them from the Government. Often when the Indian children are attending the State district schools with white children they are required to give up and go to the Government school. This is to their detriment and causes them the loss of opportunity to be with English-speaking children and places them in unhealthful surroundings. Witnesses, Mrs. Minnie P. Keeler and Mrs. Ptesanwin.

4. That in March, 1912, the Indian police, acting under the orders of the superintendent, arrested an Indian woman who had a sick child less than a year old. She and the child were brought from a distance of about 8 or 9 miles during a zero weather and confined them in a filthy, dirty, old, and cold building called a jail. She was without any attendance, and while so confined the child died during the same night of exposure incident thereto. The Indians provided for her as best they could and made a collection to meet the funeral expenses of the child, but no help or assistance came from those who have brought about her condition. It goes without saying that the superintendent in charge is a cruel, heartless, mean, arbitrary, and an unfit person to be placed over other persons. Witnesses, Alfred C. Smith, Robert Obeshlaw, and Thomas Arrow.

5. The Yankton Sioux Indians have been citizens for many years, exercising their right of franchise, holding elective offices, and being subject to the civil and criminal laws of the State of South Dakota. They have been prosecuted and punished and imprisoned under the judicial authority of the State. In view of all this, Supt. A. W. Leech claims the right and does imprison these citizens upon his own arbitrary acts. He has imprisoned and kept Indians in a dirty, filthy jail without any semblance of sanitation for periods of 40 days or more at a time without any hearing, and sometimes without anything to eat or drink for three or four days at a time. Witnesses, Charley Thunderhorse, Samuel Baker, and John Little-owl.

6. He, Supt. A. W. Leech, not only imprisons them without authority of law, but claims the right to separate man and wife, and divides their property and forces them to live apart, and enjoins them that they must not live together again or else he will put them in jail. Witnesses, Alex. Gullikson, Henry Paji, Mrs. Minnie P. Keeler.

7. That during the month of May, 1913, Supt. A. W. Leech went to the city of Yankton and there misrepresented to Hon. Joseph Janousek, Hon. A. L. Wyman, State's attorney, Messrs. Jacob Rathgeber and A. P. Johnson, sheriff and deputy sheriff, respectively, that he was protecting Mrs. A. J. Estes against her husband in her property rights, and to secure for her an Indian trader's license at Yankton Indian Agency, S. Dak., and that when the said Mrs. Estes applied to Supt. Leech for a recommendation for a license Supt. Leech suggested to her that he would recommend her provided she obtain a divorce from her husband. Witnesses, Mrs. A. J. Estes, Rev. John Flockhart, Hon. Joseph Janousek, Hon. A. L. Wyman, Messrs. Jacob Rathgeber, A. P. Johnson.

8. Old Indian men and women who have money on deposit subject to the check of the superintendent have gone cold and hungry because of neglect and refusal to pay them their money or provide them with the necessities of life. Some of these needy persons, during their dire distress for want of bare necessities of life, were required by the superintendent to subscribe from \$5 to \$10 to a fair that he was promoting. Some of these old Indians were called into the superintendent's office and without any explanation whatsoever were made to sign checks. And they do not know what they were for, as the checks were taken away from them, until afterwards they were informed from outside sources that they have subscribed to the fair. Witnesses, Peter Longfoot and Louis Jandreau.

9. An old Indian woman, Tasinamazawin, aged about 80 years, died of starvation during the month of July, 1913. She went to those to whom she could apply at the agency and was refused any part of her money and refused all assistance. She was told that they were going to purchase a team of horses for her and that she could not get any money. All she could find to eat was choke cherries. Of these she ate to stay her hunger. She gorged herself with these and died of acute indigestion. Witnesses, Adam Hero and Eugene Highrock.

10. Mrs. Brownthunder, aged about 78 years, though had plenty of heirship land and land of her own, which she is leasing or rather the superintendent is leasing and the rentals deposited at the superintendent's office, has to beg her living from neighbors. Often she goes to the superintendent's office asking for money with which to get necessities of life and she is refused all assistance and she goes home crying. She was asked why she was crying. She replied: "I am crying for something to eat." During the inclement wintry weather this old woman is often seen out rustling for fuel and going from house to house begging for something to eat. Witnesses, Mrs. Brownthunder, William Bean, sr., and Eugene Bull.

11. Mrs. Ironwhip, aged about 70, died December 18, 1912, of cold, neglect, and starvation, though she had in the possession of the superintendent sufficient money to keep her in luxury the balance of her natural life. Dr. Wise, then agency physician, said that when he arrived at her home on the 17th of December, the day before she died, which is the only time a physician visited her during her illness, she had nothing to eat. That there was no fuel in the house and that no doubt Mrs. Ironwhip died of starvation. Dr. Wise made the above statements in presence of several witnesses. There have been many who suffered for want of the bare necessities of life while they have funds in the hand of the Government sufficient to keep them in luxury the balance of their natural lives. Such neglect is heartless and cruel and should be a criminal neglect, if it is not. Witnesses, Mrs. Thunderhorse, White Eyes.

12. Individual Indian funds are only subject to use by the Indians through the superintendent. Indians who purchased horses could only buy from certain favored persons and at prices in excess of their fair market value. An old Indian woman whose husband was sick and infirm needed a team for herself and husband to get about. Supt. A. W. Leech got a team for them from one Peter St. Pierre for the sum of \$160. They were not only poor and lame but wild. The old couple brought the team to superintendent's office and told him they did not want to be killed by the team, and that if his friend Peter St. Pierre needed the money to let him keep it, but to give him back the team. After much trouble and expense to the old couple the team was taken back. Alfred C. Smith, an Indian of the same tribe, had a good team which he offered to the people for the same price. They were much satisfied with the team, as they were sound and gentle, and took the team from Smith, but when he was handed the money by Supt. Leech it was only \$150. After Smith remonstrated he gave him the additional \$10. The first team was sold for \$160 with the knowledge and consent of Supt. Leech. Other instances can be cited wherein gross favoritisms were shown in buying horses for the Indians. Similar case of Peter Hepana. Witnesses, Henry Frederick, Alfred C. Smith, Joe Picotte, Peter Hepana.

13. Mrs. Mandan, aged about 80 years and crippled, starved to death on the Government reservation within half a mile of the agent's office. She, too, possessed money and property which she was unable to reach.

14. Mrs. Sarah Bull, aged about 80 years, and crippled and sick, is compelled by Supt. Leech to live alone, and would not allow her to visit her only son, Eugene Bull. She lives about half a mile from the superintendent's office. During the month of September she was seen going to the office to ask for enough to get the necessaries of life. She can only walk on crutches. When returning home she fainted by the wayside, where she was picked up by other Indians and carried to her home. She has no one to care for her, and unable at times to get word to any one for assistance, because her son, Eugene Bull, is forbidden by Supt. Leech to keep her. Her son took her home one time and Supt. Leech sent his police out and ordered her to come back to her lonely home. She states that there are days at a time that she goes hungry and cold. Witnesses, Sarah Bull, Mrs. Susan Mellette, Eugene Bull.

15. Farming lands of the Yankton Sioux Indians are worth from \$2.50 to \$3 per acre. Some of these lands have been leased without the knowledge and consent of the Indians by Supt. Leech and Farmer Ernest Benjamin. In collecting rents, many complaints have been made that a bonus is charged the renter for securing the land. In other words, the renter is charged extra for securing the Indian land. Numerous instances can be cited where prospective renters offer higher rents, and their bids are turned down and the land leased to a lower bidder. Hohanketawa, an Indian of the Yankton Sioux Tribe, very industrious, complains that Supt. Leech leased the land where he is living—his father's estate—and where he has been getting his hay to a white man for 75 cents per acre without his knowledge or consent. The lease money was deposited with Superintendent Leech, and the same has not been paid to the Indian Hohanketawa for the last past two years. This Indian has to lease other hay lands, paying \$1 per acre. Thus by this operation the Indian is made to lose 25 cents per acre. Witnesses, Moin Emmons, W. I. McFarland, Big Bear, Hohanketawa, Jesse Little Elk.

16. Adam Hero, an Indian and member of the Yankton Sioux Tribe of Indians, was taken off from the competent list and put on the noncompetent list in order that a lease contract he made with a white man could be annulled and a Government lease made at Supt. Leech's office against his protest; it further developed that the new renter was made to pay \$60 over and above what the

contract calls for. He paid the extra demand, as he did not wish to lose the use of the land. The Indian, Adam Hero, says he never received the \$60 not included in the lease. The renter, John McFarland, has receipts showing that he paid this extra amount. Witnesses, Adam Hero, John McFarland, W. L. McFarland.

17. That Supt. A. W. Leech is partial to an attorney named G. M. Caster. He allows him the privileges of the agency and directs Indians to go to him who would not go to him otherwise. He sent his police, Joe Nimrod, to tell Mr. and Mrs. Iron Bear, Indians and members of the Yankton Sioux Tribe of Indians, to appear before this man Caster at the town of Lake Andes, a distance of about 20 miles. The said police, acting under instruction, represented to Mr. and Mrs. Iron Bear that they were subpoenaed by the court. They appeared before the said Caster at the specified time and place. Then Caster secured the services of an interpreter, Frank Lambert, and proceeded to tell them that he is in receipt of a letter from Washington, D. C., instructing him to take testimony. He then read to them, through the interpreter, forms of affidavits that he wanted them to sign. Mr. and Mrs. Iron Bear thereupon emphatically refused to sign said forms of affidavits presented to them, for the reason that the contents as set forth therein are false in every essential particular. He then read to them an affidavit of one Joe Nimrod along the same line and tried to induce them to sign the ones prepared along the same line, but they persistently refused to be debauched into signing and swearing to things that they know to be absolutely false. Thereupon Caster dismissed them. And when Mr. and Mrs. Iron Bear demanded their witness fees Caster told them that they would have to go to Supt. Leech for their fees. It appears that despite the fact that these people absolutely refused to sign affidavits for Caster, that the Indian Office are in receipt of affidavits purporting to be signed by Iron Bear and his wife. However, Mr. and Mrs. Iron Bear both subsequently signed affidavits and gave them to Thomas L. Sloan to the effect that they never swore to and signed affidavits for Caster, Supt. A. W. Leech, nor anyone else upon that matter. Interpreter Frank Lambert also swore to and signed an affidavit that Iron Bear and his wife did subscribe to the form of affidavit presented to them by Caster. I have gone into the details of this matter for the reason that it seems that an attempt has been made to debauch these Indians, and, secondly, that though they refused to sign such affidavits as presented to them, their names or marks have been forged and submitted to the Hon. Commissioner of Indian Affairs as genuine. Witnesses, Mr. and Mrs. Iron Bear, Frank Lambert.

18. That under Supt. Leech's orders one George Black Owl was arrested for returning home to his family after he was ordered to remain away from them. His wife is totally blind and his children more or less afflicted with trachoma, and all are minors. After his arrest at his home he was torn away from his helpless family and beaten and abused on the road to the agency jail so that he had hemorrhages of the kidneys. These brutalities would not occur except under the direction of a man of that disposition. Indian women put in this jail and kept in the same jail with men, and are often insulted and indecent proposals made to them by this monster police, Joe Nimrod. Witnesses, George Black Owl, Naomi Ree, Charley Thunder Horse.

19. Supt. Leech asserts his personal ill will and uses his office to spite those whom he dislikes and seeks to injure them. He knows of flagrant violations of laws of the United States, but if committed by his pets or friends, he grants them immunity. The Yankton Sioux treaty of August 15, 1894 (28 Stat., 286), Kapler's Laws and Treaties (vol. 1, p. 526), provides: "That every person who shall sell or give away any intoxicating liquors or other intoxicants upon any of the lands by said agreement ceded or upon any of the lands included in the Yankton Sioux Indian Reservation as created by the treaty of April 19, 1858, etc." Supt. Leech knows of several instances where parties, white men, who brought liquor within the restricted territory, but simply winked at the violation of the law, because the offending parties are not happened to be his enemies. He knows of instances where liquor was brought upon allotments of land the title of which is still held in trust by the Government, as he secured affidavits not covering that liquor was brought within the allotment, but whether a certain man, whom he was after, was there and drank and got drunk on the liquor brought upon the Indian land. He was not after the parties introducing and giving liquor away, thereby violating the above treaty law, but he wants to punish the man who drank of the liquor. Witnesses, C. F. Pratt, Gus Diehl, R. H. Clark, J. F. Estes.

20. Mr. E. B. Bailey reported to Supt. Leech that his brother, Roy Bailey, keeps beer in his store on the agency reserve in violation of the above law. Thereupon Supt. Leech threatened to summarily remove said E. B. Bailey from the reservation if he did not keep still about the matter. Roy Bailey admits keeping beer on the agency reserve and does not deny the same. Witnesses, E. B. Bailey, William Shaeffer.

21. Supt. Leech has shown gross favoritism in issuing orders to the Indians for provisions and other goods by directing the said orders to certain merchants only, thereby compelling the Indian receiving such order to trade at the store mentioned in the order. Messrs. Williamson Bros. and Roy Bailey receive the bulk of such orders. These orders authorize the merchant to sell to the holder of the order things specified in the order and return the order to the office of the superintendent, and checks in payment are issued from the Indian's account to the merchant. Witnesses, Fred Frederick, Eugene Brunot.

22. That during the primary campaign of 1912, Supt. A. W. Leech took an active part and furnished money and provisions in behalf of a certain Republican candidate for renomination to the United States Senate, and urged all the Indians and others to cast their votes for the said candidate. He used his office and influence in promoting and circulating a petition. Witnesses, George Abdalla, C. H. Bonnin, J. F. Estes.

23. The Indian Service employees are prohibited by law from having any interest or concern in trade with Indians. Revised Statutes of United States, second edition, section 2078, page 363, provides: "No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for and on account of the United States; and any person offending herein shall be liable to a penalty of \$5,000 and shall be removed from his office."

Evidences show that Supt. A. W. Leech violated the above law and has part interest in the butcher shop at Yankton Indian Agency, S. Dak. His reputed partner, Roy Bailey, has a large business with the Indians and has the entire favor of the agency office. This man, Roy Bailey, the reputed partner of Supt. Leech in the butcher business, boasts of his standing with said Supt. Leech, and that said Leech would not permit anyone to sell fresh meat so long as the said Roy Bailey is running a butcher shop. Not only does Roy Bailey so boast, but Supt. Leech so told Mr. Fred Frederick and Mr. E. B. Bailey when they wanted to open up butcher shops. Supt. Leech and this man, Roy Bailey, were known to have gone out together and purchased cattle, and the cattle so bought were brought to the agency and slaughtered and sold to the Indians on the block. And further, they were known to have bought corn and fodder together to fatten the cattle so bought and sold to the Indians on block. It is further known that cholera-infected hogs are killed and sold to the Indians on the block. Further particulars will be brought out when the matter is fully investigated. Mr. Wickam Totton, who has given his affidavit with regard to this matter to Hon. T. L. Sloan, will be corroborated by Mr. Lee Handley and his son, and Mr. C. F. Pratt and Jay Nichols.

24. With regard to this man, Roy Bailey, I wish to state that he was twice ordered away from this reservation for gross misconduct by the Government, and each time returned without permission from the Government in violation of the United States Statutes. He returns with each change of administration. That he is addicted to the use of intoxicating liquors to excess is universally known; that he committed the crime of bastardy; that he wrote to the girl he ruined while she was in the family way and inclosed a \$5 bill and told her to purchase a certain drug to effect an abortion. While this is very repugnant, yet it is my purpose to set before you the kind of influences and examples under which our Indians and their children are to be civilized and educated. This man, Roy Bailey, the reputed partner of Supt. Leech, is also a gambler and plays poker for stakes upon the agency grounds. Very frequently has this man come into my place of business and sputters vile and profane language, with the fume of whisky emitting from his mouth, in the presence of ladies. Witnesses; Mrs. Lizzie Clark, Mrs. G. W. Gullikson, Henry Frederick, Svan Gibson.

I submit to your honorable commission that we have a bad state of affairs at this agency, and I beg of you to hasten and investigate the rottenness of this superintendent and this agency to the bottom. This man has the power and the tools with which to assassinate the character of any decent man whom he can not use in his devilish schemes, and he ought to be checked in his career before he debauches the entire Yankton Sioux Tribe of Indians and disgrace the Government he is misrepresenting.

An unscrupulous man, with a commission from the Government and a corps of employees at his mercy—ready to do his bidding—can crush and ruin any man on the reservation who stands in his way.

Complaints made to the Indian Office are returned to the superintendent and he proceeds to punish those who complain. Inspectors who are sent out to investigate generally hear one side—that of the superintendent—and reports that are made by him are held as confidential and access to them refused. They are sometimes absolutely false, and the Indian is discredited without knowing the cause, and with no opportunity to make a reply. Confidential records prevent justice to the Indians and cover up wrongs in the service which an open and public record would in many instances correct. The victim of it all is the Indian.

These are some of the things which most of the Indians suffer, and the Yankton Sioux Indians suffer more particularly under the present agency administration. There can be no improvement in the Indian under such conditions. He can have no initiative, and there is no opportunity for him to make an effort. He is overpowered by force, fraud and deceit that extends from one end of the service to the other. The Yankton Sioux Indians need change. They should be relieved of the supervision of a man who has no human sympathy, who is interested more in trade with the Indians than their welfare through honest supervision of their affairs.

Imagine such venality, hypocrisy, deceit, and fraud, and the impressions left upon the minds of the Indians and their children at the end of such a career. Is this the kind of influences under which our Indians and their children are to be civilized and educated? If so, then may God have mercy upon them.

Very respectfully submitted.

JOSEPH F. ESTES.

J. F. ESTES'S EXHIBIT C.

YANKTON INDIAN AGENCY.

Greenwood, S. Dak., November 3, 1913.

HON. JOE T. ROBINSON, *United States Senator.*

Chairman of Commission to Investigate Indian Affairs,

Washington, D. C.

MY DEAR SENATOR: Referring to my statement and letter to you of date November 3, 1913, I beg leave to make the following corrections in my said statement, viz:

1. The date of the statement should be November 3, 1913, as it is not dated.
2. On page 10, line 18, it should read "also swore to and signed an affidavit that Iron Bear and his wife did not subscribe, etc." The word "not" is left out, which should be in.

Yours, very respectfully,

JOSEPH F. ESTES.

WASHINGTON, D. C., March 12, 1914.

HON. JOE T. ROBINSON,

Chairman Joint Commission to Investigate Indian Affairs,

Washington, D. C.

MY DEAR SENATOR: Herewith I beg to hand you my statement, and a copy of the statement of Alfred C. Smith, a Yankton Sioux Indian, concerning conditions on the Yankton Sioux Indian Reservation, S. Dak.

In addition to the above statements, I hand you herewith the following affidavits:

1. Affidavit of Charles F. Pratt, dated September 12, 1913.
2. Affidavit of Agnes Draffin, dated August 19, 1913.
3. Affidavit of Naomie Ree Thunderhorse, dated September 27, 1913.

The affidavit of Charles F. Pratt, particularly, will show that Supt. A. W. Leech is an unscrupulous and unprincipled man, and wholly unfit to be intrusted with such responsibilities as are given him as superintendent of the Yankton Indian Reservation.

Very respectfully,

J. F. ESTES.

Hon. JOE T. ROBINSON,

Chairman of the Commission to Investigate Indian Affairs.

Washington, D. C.

MY DEAR SENATOR: Supplemental to my charges against Supt. A. W. Leech, of the Yankton Agency, which I filed with the Joint Commission to Investigate Indian Affairs on November 3, 1913, I wish to briefly reiterate the charges filed on said date, setting forth with particular emphasis certain statements therein made.

Statement No. 1: The meat and flour at the Government Indian boarding school are kept in the same room, and are at times so foul and decomposed that the stench therefrom is terrible.

My witnesses as to this condition are Mr. Henry Frederick and Mr. William Bezely.

Statement No. 2: The water supply for the school and the agency is being contaminated by slaughterhouse drainage and dead animals, such as horses and hogs, which are lying in the Missouri River just above the intake.

My witness concerning this is Mr. William Bezely.

Statement No. 3: The conditions at the agency school are bad. The children have bad eyes, evidently trachoma, and those children having it are neglected, apparently nothing being done to prevent the spread of the disease. The children are dirty, lousy, and poorly clothed.

My witnesses as to the truth of this statement are Mrs. Minnie P. Keeler and Mrs. Ptesanwin.

Statement No. 4. On March 19, 1912, the Indian police, acting under the orders of Supt. Leech, arrested an Indian woman who had a sick child less than 1 year old. They were brought a distance of 8 miles or more to the agency during zero weather and confined in a filthy old and cold building at the agency called a jail. The child died the same night from exposure. The Indians provided for the mother as best they could and took up a collection to meet the child's funeral expenses, but there was no help from the superintendent. Witnesses, Alfred C. Smith, Robert Obashaw, and Thomas Arrow.

Statement No. 5. The superintendent frequently imprisons the Indians arbitrarily, notwithstanding they are citizens and subject to the judicial authority of the State of South Dakota, and confines them in a filthy, dirty jail which is without any semblance of sanitation. He often keeps them there 40 or 50 days at a time without giving them any hearing, and sometimes for 3 or 4 days without anything to eat or drink. Witnesses, Charley Thunderhorse, Samuel Baker, John Littleowl, and Niome Ree.

Statement No. 6. Supt. Leech not only claims the right to imprison Indians who are citizens, without authority of law, but he claims the right to separate man and wife, and he divides their property and forces them to live apart, although these Indians are legally married. Witnesses, Alex Gullickson, Henry Paji, and Mrs. Minnie P. Keeler.

Statement No. 7. I wish to call attention to the manner in which Supt. Leech proposed to Mrs. J. F. Estes, my wife, that if she would obtain a divorce from me he would grant her a trader's license at the Yankton Indian Agency.

Statement No. 8. I desire to call attention to the manner in which Supt. Leech has compelled old Indians who have money in the hands of the Government to subscribe from \$5 to \$10 to a fair that he was promoting, while at the same time, owing to the superintendent's neglect and refusal to pay some of the Indians their own money due them from the Government, they were living in dire distress and want and suffering for the bare necessities of life.

Statement No. 9. In this statement I desire to call attention to an old Indian woman named Tasinamazawin, aged about 80 years, who died of acute indigestion, resulting from eating and gorging herself with choke cherries, as a result of being refused money by the superintendent, money due her at the agency, which she asked for in order to procure for herself the necessities of life. She was told by the superintendent that this money was due her, but that he (the superintendent) was going to expend it for her in the purchase of a team. This old woman did need money for the necessities of life, but she had absolutely no use for a team.

Statement No. 10. In this statement I made reference to Mrs. Brownthunder, aged above 78 years, who had plenty of heirship land, and land of her own, which the superintendent was leasing for her, and yet she was persistently refused money by the superintendent, and she was compelled to beg her living from her neighbors.

Statement No. 11. I desire to call attention concerning Mrs. Ironwhip, a woman aged about 70 years, who died on December 18, 1912, of cold, neglect, and starvation, although the superintendent had on deposit to her credit at the agency enough money to keep her in luxury for the rest of her natural life.

Statement No. 12. In this statement I made mention of the manner in which the superintendent showed gross favoritism in buying horses for the Indians, and that the Indians could only buy them from certain favored persons and at grossly excessive prices. I wish to call especial attention to Mr. John White Eyes in this connection.

Statement No. 13. In this statement I made reference to my grandmother who starved to death within a half mile of the superintendent's office. She was an old woman 80 years of age, and had money and property which she was unable to reach.

Statement No. 14. In this statement I wish to call attention to Mrs. Sarah Bull, aged about 80 years, crippled and sick and unable to walk. She is compelled by the superintendent to live alone, and for days at a time she sees no one and is often hungry and cold and can get word to no one and has no one to care for her.

Statement No. 15. In this statement I desire to call attention to the farm leases of the Yankton Sioux Indians. The superintendent frequently leases these lands of the Indians without the consent of the owners and seems to be in league with Farmer Ernest Benjamin in this practice. Complaints have been made that a bonus is frequently charged the renter and that this bonus is collected and divided between Benjamin and the superintendent. Numerous instances of this can be cited.

Statement No. 16. In this statement I desire to direct your attention to one Adam Hero, a Yankton Sioux Indian, whose name was taken off from the competent list and put on the noncompetent list in order that a lease could be made to some one else. It was developed that this other lessee paid \$60 more than the contract called for. The new renter, John McFarland, has receipts showing that he paid this \$60. Adam Hero says he never got the said amount of \$60.

Statement No 17. In this statement I desire to call attention to an attorney named G. M. Caster, to whom the superintendent is partial. He allows him the privileges of the agency office, and directs Indians to go to him to transact their legal business who would not do otherwise.

Statement No. 18. In this statement I desire to call attention to one George Blackowl, who was arrested for returning home to his family after he had been ordered to stay away. His children are more or less afflicted with trachoma and his wife is totally blind. When he was arrested he was torn away from his helpless family and beaten and abused on the way to the agency to such an extent that he had hemorrhages of the kidneys.

Further, in this connection, I wish to state that Indian women are often put in this same jail with men and are kept there and often insulted with indecent proposals made to them by the monster of a policeman named Joe Nimrod. Witnesses, Naomie Ree, Charley Thunderhorse.

Statement No. 19. In this statement I desire to call your attention to the fact that the superintendent seems to have a spite and ill will against many Indians and uses the force and power of his office against them, while with those Indians who are his pets he allows flagrant violations of the laws of the United States to go unpunished and they are overlooked and winked at.

Statement No. 20. In this statement I wish to call attention to one E. B. Bailey, who reported to the superintendent that his brother, Roy Bailey, kept beer in his store in the agency reserve in violation of the laws of the United States, and that upon receiving this information the superintendent threatened to remove said E. B. Bailey from the reservation if he did not keep still about the matter.

Statement No. 21. In this statement I desire to call attention to the superintendent's acts of favoritism in issuing orders to the Indians for provisions and directing them to buy from certain merchants only, particularly from Williamson Bros. and Roy Bailey, the latter being reputed to be a partner of the superintendent.

Statement No. 22. In this statement I desire to call attention to the fact that during the primary campaign of 1912, the superintendent took an active part and furnished money and provisions in behalf of a certain Republican candidate for the United States Senate and urged the Indians to cast their votes

for said candidate, and used his office and his influence in promoting and circulating a petition for said candidate. Witnesses, George Abdalla, C. H. Bonnin, A. C. Smith.

Statement No. 23. In this statement I desire to call attention to the interest of the superintendent in the butcher shop of one Roy Bailey at the Yankton Agency. The superintendent is reputed to be a partner of the said Bailey in this butcher business. They have gone out together and bought cattle, Mr. Leech paying for the cattle with his personal check. I wish further to call attention to the fact that cholera-infected hogs have been killed and sold on the block to the Indians. Witnesses, John Heide, Wick Totton, C. F. Pratt.

In addition to the above I wish to further call the attention of the commission to the following irregularities in the conduct of Supt. A. W. Leech and the administration of the affairs of the Yankton Agency:

1. I charge that Supt. A. W. Leech permits Indians to live in open adultery, and that he encourages those who are legally married to obtain divorces and separations.

Witnesses to above charge: Ed Chamberlain, Henry Wastena, William Medicine Horn.

2. I charge that Roy Bailey, who is reported to be Leech's partner in the butcher business, and another white man, went out to buy cattle and imbibed too freely, and on the way back with the cattle they trespassed on the garden of an old Indian named Maricopa, and when he remonstrated they beat him up badly. This matter was brought to the attention of the superintendent, and he brought the parties together and made Bailey and the other white man pay the old Indian whom they had beaten \$5 and shake hands. I charge that this was treating a serious matter in a frivolous and uncalled for manner, and that the offenders should have been tried and sent to jail.

Witnesses to above charge: Chas. Stricker, Maricopa, Robert Maricopa.

3. I charge that one of the superintendent's employees came home gloriously drunk one morning, and that he was allowed to go about the agency all day until he got sobered up, and that the superintendent never bothered him. I charge that at other times the superintendent takes pains to have Indians examined by a doctor to see if they have been drinking in order that he may jail them promptly.

The first party above referred to was never dismissed and is now on the job. His name is Moses Archambeau. When he came home drunk the policeman arrested him, but he was turned loose by the superintendent.

4. I charge that Joe Selwyn, a young man, lived with his aunt, his mother's sister, a woman under 30 years of age, and cohabited with her and had two or three children by her. This comes under the head of incest. The superintendent filed a complaint against them after they had two or three children, and had one George M. Caster, an attorney, to defend them at the trial. This was done to give said Caster some work. I further charge that during the prosecution of this case the superintendent advised said Selwyn and the woman, Annie Cook, to go and hide their children and not produce them in court. This resulted in an acquittal for them, as the children were not produced as an evidence of the original association.

5. I charge that the superintendent and supervisor, A. H. Kneale, took a case of beer away from one Ole Johnson and allowed him to escape. Another case of a similar nature was that of Mike Goodness and Roy Bailey, and there are other similar cases.

6. I learned as a fact that last fall, Supervisor A. H. Kneale had an affidavit already prepared and tried to get one August Diehl to sign same, said affidavit being against myself, and that the said Diehl remonstrated about signing it until after he had read it, and that after reading it he said he would not sign it, saying that nine-tenths of it was untrue. I charge that Supervisor Kneale told him he would have to sign it, and that Kneale then left said Diehl, and that later he came back and again asked him to sign it. Diehl said, "Old man, I respect those gray hairs of yours, but if you ask me again to sign that paper I will knock your God damned head off." Notwithstanding this, Kneale again asked Diehl to sign affidavit for Leech, and Diehl gave him the same answer and said that he would not sign it for Leech or anyone else.

7. I wish to call the attention of the commission to how a certain Mrs. Paji, an old woman about 80 years old, died in absolute distress although she had plenty of money in the hands of the superintendent. She practically starved to death. Parties went to the superintendent and asked him for a little money for this old woman in order to relieve her distress and they were refused.

And that finally, on the day the old woman died, the superintendent sent an agency doctor out to see the old woman, and he came back and reported that the old woman was not expected to live, whereupon the superintendent wrote out a check for \$25, and while a friend was taking the check out to the old woman she died. My witnesses to this statement are Mrs. Zallie Dripps, Andrew War, and Adam Ashes.

8. I beg to further call the attention of the commission to the manner in which Supt. Leech puts the schoolboys attending the Government school in the agency jail for petty offenses, such as throwing stones, etc., and keeping them there for days at a time, thus starting them out on a criminal road. I have in mind in this connection one David Bull and Sam Young, who were confined in the agency jail for breaking windows for 10 days. While in the jail the windows of the jail itself were broken, and had it not been for the fact that we had an open winter these boys would have frozen to death in the jail. I know of one instance where a jail window was broken after the boys were placed in the jail and they were kept in the jail an additional 10 days for this.

9. I further wish to call the attention of the commission to the scourge of trachoma among the Indians and how the children are not cared for with regard to cleanliness and hygiene. I have in mind a particular instance which I beg to submit, namely, that of six little boys who came into my store at Greenwood on Sunday, March 1, 1914, in the presence of Mr. A. O. Bonnin and Joe Costello. It did not require close inspection to see the condition of these boys' hands and necks. Their hands were as black as any negro's and covered with dirt, and I venture to say that those hands never touched water since the boys went to the school.

10. I desire to call attention to the condition of the slaughterhouse and the water supply from the school, as I have stated before. There is no improvement in these conditions and, if anything, they are worse than ever and worse than when I called the attention of the commission to them on November 3, 1913. The health of the people, the Indians, and the school children is imperiled and will continue to be so imperiled if no action is taken looking to the remedying of these conditions.

Referring further to charge No. 9 on page 10 of this paper, concerning trachoma among the Indians, I wish to cite a particular instance: The children of Joseph Du Bray were examined by the agency physician and admitted into the Government school last year. When these same children came out of the school (the Government school) they were afflicted with trachoma. I know this to be the case, because the same doctor examined them this year and found them to be suffering from trachoma, and they were for this reason excluded from the same Government school where they contracted the disease.

Very respectfully,

J. F. ESTES.

WASHINGTON, D. C., *March 9, 1914.*

SUPERINTENDENT LEECH'S EXHIBIT A.

CLAIM PRESENTED TO COMMISSION JANUARY 21, 1914.

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

C. F. Pratt, of lawful age, being first duly sworn according to law, says: Some time about the 1st of September, 1913, Mrs. J. F. Estes, of Greenwood, called him up over the telephone and asked him to go to Wagner with his automobile, which he did. Upon arriving at Wagner he met Joseph Estes in front of the Vera Hotel, who told him to go over to the Haskell Bank, where he would meet Thomas L. Sloan.

Deponent declares that he did go over to the bank, where he saw Sloan, who said he wanted to do some traveling around and asked what the deponent would charge, and in reply deponent said he would haul them around for \$10 per day, if they would furnish the gas, which agreement was made. From Wagner they went to where Mrs. Shunk was camped and from there to Greenwood, and the next morning, about 3 o'clock, they went to Wheeler, where they stayed till about 4 o'clock, and from there they went to see two parties north of Wagner, where two affidavits were taken from two white men, who were told to go to the Haskell Bank at Wagner to have their acknowledgement

taken, as they did not want too many affidavits acknowledged before Estes. The next morning sent deponent down near Avon to get a man to come up and make an affidavit about a lease, and about 10 o'clock they all went to Wheeler, where they stayed till late in the evening, and then Sloan, Estes, and deponent came down to the places of William Totten, Frank Kellison, Lee Hanley, James Coffman, and John Atana. At the Totten place Sloan took a statement from Totten, which deponent heard, and deponent is positive, from the conversation afterwards between Sloan and Estes, that the affidavit as written out by Sloan was not in accordance with the statement made by Totten, as they tried to get Totten to say that Supt. Leech was in partnership with R. D. Bailey in buying cattle and in the butcher business, and Totten refused to say it, but afterwards Sloan and Estes talked the matter over and laughed about it and said this statement in connection with an affidavit taken from Ed. Bailey would clinch the matter in proving that Supt. Leech and R. D. Bailey were in partnership. Advantage was taken of Totten, as he can not read or write. After leaving the Totten place they went to Kellison and Hanley's, where they tried to get affidavits, but failed. They did get a statement from James Coffman relative to being on the black list for leasing land. They then went to Ravinia, where Sloan left the party when deponent and Estes went on to Wheeler.

Upon Sloan leaving deponent at Ravinia he told him that it would be necessary for a voucher to be sent back for deponent to sign before the money could be paid, as he (Sloan) was employed by the congressional committee.

Upon Sloan's visit to different parties to obtain affidavits he represented that he was a special agent from Washington. Deponent heard him say this numerous times.

Deponent further states that he has never received any voucher to sign or any pay whatsoever for the use of the car in hauling the said Sloan and Estes around, and that the said Sloan now owes him the sum of \$30.

Deponent further states that he heard Sloan state that he was here in the interest of Joseph Estes and was going to oust Supt. Leech.

C. F. PRATT.

Subscribed and sworn to before me this 10th day of January, 1914, at Greenwood, S. Dak.

[SEAL.]

W. B. McCOWN.

My commission expires December 24, 1916.

LEECH'S EXHIBIT B.

YANKTON INDIAN SCHOOL,
Greenwood, S. Dak., December 22, 1913.

STATEMENT BY MILTON F. POWERS.

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

Some time during the latter part of August, 1913, Henry Fredericks, a mixed blood Yankton Sioux Indian of this reservation, told me that there would be a special agent here and he wanted to borrow my car to take him around over the reservation, or I could take him myself, and there would be some money in it. When this man came I found that his name was Thomas Sloan and I drove him, Sloan, Henry Fredericks, and Joseph F. Estes around for one-half day, when he, Sloan, took some statements from some of the older Indians. I heard him say that he was a special agent and that he had a right to go into the agent's office and demand any of the papers and books on file there. After driving these people around for a half day I found that I could not go any more myself, so I let Mr. Fredericks take the car and he was gone four days, and finally he told me that Sloan had left the Yankton Reservation. I then asked Fredericks if any arrangement had been made to pay me for the use of my car, and Fredericks said that as soon as Sloan got home he would send a voucher back and then I would get my money. This has never been done and I have never been paid for my car being used. I consider that my car was worth \$30 for the time I drove them and the time it was driven by Henry Fredericks.

In all the interviews that Sloan had with the old people he visited while I drove them, Mr. Joseph F. Estes acted as interpreter.

MILTON F. POWERS.

Subscribed and sworn to before me this 22d day of December, 1913.

A. W. LEECH, *Superintendent*.

LEECH'S EXHIBIT C.

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

John St. Pierre, of lawful age, first being duly sworn, deposes and says that about two weeks ago on one Saturday evening about 9 o'clock, September 6, 1913, one Thomas T. Sloan came to his residence, located on the agency reserve, in Greenwood, S. Dak., and among other things said between deponent and said Thomas L. Sloan was the following: Deponent asked him if he was here on any particular business and he said he was. Deponent asked him if he was interested in the Joseph F. Estes business, and he stated that he was not, but if he had time he would act as advisor for Joseph F. Estes. Deponent asked him if it was anything about a traders' license, and he said there was nothing done about that yet, but he would advise Estes to serve an injunction on Maj. Leech or the Government. I do not know which, to prohibit them from going any further in the matter. Deponent asked him what he thought about the trouble between Joseph F. Estes and Maj. Leech, and he stated that Maj. Leech would have to leave here before fall; of that he was positive. Deponent asked him if he had any appointment from the Government, and he said that he had been a candidate for Commissioner of Indian Affairs, but that he had been defeated, and that he had been offered minor appointments, but would not accept them. Thomas L. Sloan said that he was an advisor of Joseph F. Estes. He claimed to be an attorney.

JOHN ST. PIERRE.

Subscribed and sworn to before me this 18th day of September, 1913.

YANKTON INDIAN SCHOOL, GREENWOOD, S. DAK., *September 18, 1913.*

LEECH'S EXHIBIT C 1.

William Bean, sr., is questioned by Supt. Leech.

Q. You are the last of the old chiefs of this reservation, are you not?—A. Yes; I am the last.

Q. How long have you been chief of this tribe?—A. About 55 years.

Q. How old are you?—A. I am 80 years of age.

Q. You probably know these people as well as any man living, do you not?—A. Yes; I know all the older people.

Q. And you know what is going on?—A. Yes.

Q. Do the old people go to you and tell you their troubles and complaints?—A. Yes.

Q. Have you heard any complaint about the mistreatment of the old people on this reservation during the last year or two?—A. No.

Q. Do you know of any suffering among the old Indians that could have been avoided?—A. No; I have not heard anything.

Q. You have been to the office quite a number of times, have you not?—A. Yes.

Q. Have you ever heard anyone make request for anything and not be given proper consideration?—A. No; I never did.

Q. Were you in this office last Saturday afternoon, September 13, 1913, at a council?—A. Yes.

Q. You asked Supervisor Kneale what he represented?—A. Yes.

Q. And then you told why you asked that question?—A. Yes.

Q. Because you were suspicious of his reason for being on this reservation?—A. Yes.

Q. State why you asked the question and why you were suspicious?—A. What made me ask was because in the past when the Republican Party was in

power some one would come out here and promise us things and then would go away and that would be the last we would ever hear of them, and I wanted to know if that was what you were going to do.

LEACH'S EXHIBIT C 2.

William Bean, sr., is questioned by Supervisor Kneale.

Q. Am I the first man to come here since the Democratic Party was in power?—A. Yes.

Q. Did you not tell me that an inspector was to your place a few days ago?—A. Yes; you came first and the other man afterwards. About three days after you were there four men came to my house; they were Joseph F. Estes, Henry Fredericks, Milton Power, and another man, but I do not know what his name was.

Q. Describe that other man.—A. He was a big man and an Omaha.

Q. What was said to you at that time?—A. They were visiting an old lady, Brownthunder, and got her to say something, and what she said was all taken down on a paper, and they brought this letter to me and asked me if what she said was right or wrong. Every word the old lady said was taken down, and they asked whether she was telling the truth or not. The letter stated that on New Years, or the last of the year, was the last help she got from the office on the \$10 monthly payment. Another place she stated that old Brownthunder's estate was divided between two heirs, herself and a grandchild, and if this estate was divided I should have some money; and she said that when she went down to the agency she thought she was to get a monthly payment, but was told all the time that there was no authority there, and since she had no help from the office since the first of the year she would get pretty hungry, and if it had not been for William Bean, sr., whom she calls son, she would have starved to death. After they got through reading this to me, he, the big man, asked me if it was true, and this is the way I answered; I told him that the agent did not have any authority to issue money; that he would have to get authority from the department first; that this estate was divided long ago and she had her share, and I did not blame our agent for this at all; that our agent is always trying to get things through, but that the department is slow. That is all I have answered.

Q. What did they say to you then?—A. The big Omaha man said that the department was not to blame, but that all the work is done in this office here. I then told him about this old lady, Brownthunder, coming to visit at my place, and said that when anyone came to my place about mealtime we always invited them to eat. That is all.

Q. Did this Omaha man tell you this office was to blame for people not drawing more money?—A. Yes.

Q. Who did the interpreting?—A. Joseph F. Estes.

Q. Did this man say he was special agent from the Secretary's office or from the Indian Office?—A. I do not know what he said about that as he spoke in English, and I could not understand, but the interpreter said that he was a special agent or inspector who had come. What made me ask you what you represented was because in the past there have been fellows come here and said they were sent here; not only this big Omaha man, but others as well. When I spoke to you our agent was not present. This Omaha man wanted to get me to tell him things and I did not tell him anything that was wrong.

By Supervisor KNEALE:

I do not believe there is anything to hide against the agent or anyone else. If you know anything against any employee I would like to have you tell me and the agent would also. I tell this to you as a chief, and I know you would tell the truth. If I told this to some foolish person they would at once make up something to tell me.

By WILLIAM BEAN, Sr.:

I have been here for the last 49 or 50 years, and I have heard many things, and I do not go around and tell them, and I have advised these people to do the same.

YANKTON INDIAN SCHOOL, GREENWOOD, S. DAK.,

September 16, 1913.

ESTES'S EXHIBIT D.

UNITED STATES SENATE.
COMMITTEE ON FOREST RESERVATIONS AND THE PROTECTION OF GAME.

February 23, 1914.

Hon. JOE T. ROBINSON.

Chairman of Indian Commission, Senate Office Building.

My DEAR SENATOR: I beg to transmit herewith for your consideration a communication from Mr. J. E. Estes, of Greenwood, S. Dak., together with certain inclosures, as mentioned by him.

Respecting for the matter he presents your careful attention, I am,

Very truly, yours,

HARRY LANE.

GREENWOOD, S. DAK., February 17, 1914.

Hon. HARRY LANE.

United States Senator, Washington, D. C.

My DEAR SENATOR: I take the liberty in inclosing to you herewith a copy of the minutes and proceedings of a general council of the Yankton Band of Sioux Indians, of Charles Mix County, S. Dak., held at Greenwood, S. Dak., January 17, 1914, and also a copy of a letter addressed to the honorable Commissioner of Indian Affairs by Supt. A. W. Leech with reference thereto, which is self-explanatory. I have in my possession a petition signed by 200 adult members of the Yankton Band of Sioux Indians and addressed to the honorable Commissioner of Indian Affairs with regard to these fictitious allotments mentioned in the minutes and proceedings, of which also a copy is inclosed herewith. This matter has engrossed the attention of the Yankton Indians for some years back, and as the honorable Commissioner of Indian Affairs is likely to submit this matter to the present Congress, if he has not done so already, we, the majority members of the Yankton Indians, earnestly desire to present our views in the matter before any definite action is being taken. And while we can submit some things in writing, yet there are certain phases of the matter which are better presented in person. You will note that Mr. Simon Antelope, Mr. De Witt Hare, and myself are elected delegates to present and prosecute the wishes of the Yankton Indians.

Will you not take this matter up personally with the honorable Commissioner of Indian Affairs and urge upon him the necessity of this delegation coming to Washington.

In this connection I desire to know what, if anything, the Commission to Investigate Indian Affairs has done with regard to the statements I submitted.

Very respectfully,

J. F. ESTES.

YANKTON INDIAN SCHOOL,
Greenwood, S. Dak., February 14, 1914.

COMMISSIONER OF INDIAN AFFAIRS, Washington, D. C.

DEAR SIR: I am transmitting herewith a document purporting to be a record of the proceedings of a council of the Yankton Sioux Indians held at this agency on January 17, 1914, and wish to be advised as to whether the office deems it advisable at this time for the delegation selected to visit the department and present their business in person.

In connection herewith I desire to refer the office to my letter of July 8, 1913, land allotments 64012-1913, C. B. F., in which I made a detailed report of the proceedings concerning the investigation into the claims of certain persons enrolled here to allotments, and to the cancellation of certain double and fictitious allotments on this reservation.

It appears that a misunderstanding arose as to the action taken by the council held on July 3, 1913, and accordingly other councils were held at which no action of any kind was taken until the one called for January 3, 1913, which was attended by 80 members of the tribe. At this council it was voted to allot Mary Zephier, Willis Zephier, Narcisse Drapeau, Louis Drapeau, Frank Drapeau, and Mary Goodteacher. The claims of Coleman Goodteacher and Josephine Parent for allotments were voted down. The council then adjourned without further action.

The parties who were opposed to the allotment of any persons here held several meetings at private houses, where the subject was discussed, and it was suggested that another council be called to take further action on the matter. I therefore called a council as indicated by attached notice. This council was held on day named, and I am informed that there were in attendance 91 adult males. As I was not here, I can not say from personal knowledge that the action of the council is correctly represented by the inclosed statement, but I presume and have reason to believe from the certificates of the chairman and secretary that such is the case.

The council held May 3, 1913, was attended by 102 adult male members (see my letter of July 8, 1913), which was the largest attendance of any held to discuss this subject. The usual attendance was from 80 to 90.

I have no desire to oppose the wishes of the tribe in this matter, however, and since the meeting of January 17 was regularly called, although the purpose of electing delegates was not mentioned. I am submitting the whole matter to the office and would like to be informed as to the wishes of the department to receive this delegation and ask what disposition can be made to defray their expenses.

Very respectfully,

A. W. LEECH, *Superintendent*.

NOTICE.

There will be a meeting of all members of the Yankton Sioux Tribe at Greenwood, S. Dak., on Saturday January 17, 1914, for the purpose of completing all unfinished business. Everybody requested to be present.

A. W. LEECH, *Superintendent*.

JANUARY 10, 1914.

WAYAOTANINPI.

Tokata owankayujajapi, January 17, 1914, kinhan Greenwood, S. Dak., ed Ihanktonwan Oyate Omniciye Kta, qa hekta omniciye qonhan taku yustanpi sni kin hena yustanpi kta. Owasin omniciye ed u po.

A. W. LEECH, *superintendent*.

MINUTES OF A GENERAL COUNCIL OF THE YANKTON BAND OF SIOUX INDIANS OF CHARLES MIX COUNTY, STATE OF SOUTH DAKOTA, HELD AT GREENWOOD, S. DAK., ON THE 17TH DAY OF JANUARY, 1914.

Due notice having been given of the said council by Supt. A. W. Leech, a copy of which is attached hereto and made a part of the proceedings hereof, and a majority of the male adult members of the said Yankton Band of Sioux Indians who are entitled to sit in the council of the said band having met in council at the time and place first above mentioned, the following proceedings were had:

Alexander Horned-Eagle was elected chairman of the said council, and Joseph Grabbing-bear as secretary, respectively, thereof.

The object of the meeting of the council was then stated by the said chairman, Alexander Horned-Eagle, and the said published notice attached herewith was then read, and it was for the purpose of taking into consideration the matter of selecting delegate or delegates to represent the Yankton Sioux Band of Indians before the proper tribunals or authorities in the city of Washington, D. C.; and that this is the unfinished business referred to in the said published notice by the said Supt. A. W. Leech; and that the purpose for which these delegates are to be selected and elected is to appear before the proper tribunals or authorities in the city of Washington, D. C., and there present the wishes of the said Yankton Band of Sioux Indians with regard to what is commonly known as "fictitious allotments"; and that it is the wish of the said Yankton Band of Sioux Indians that the said fictitious allotments be sold and the proceeds thereof be apportioned among the members of the said Yankton Band of Sioux Indians share and share alike.

After a thorough discussion it was unanimously agreed that the said general council was a duly and authorized council and that every member present

agreed by a rising vote to abide by and support its decisions thereof; and that the following resolutions were offered and adopted by the said council:

Whereas, that there exist some lands on the Yankton Indian Reservation, which has been erroneously allotted to never existed persons during the time when allotments were made to the Yankton Band of Sioux Indians; and

Whereas, that at the time of such allotments the said Yankton Indian Reservation was held in common by the said Yankton Band of Sioux Indians as is shown by the Yankton Sioux treaty of August 15, 1894, wherein the said Yankton Band of Sioux Indians sold, ceded, and relinquished to the Government of the United States all unallotted lands within the said Yankton Indian Reservation, which agreement was had after a majority of the adult members of the said band had signed; and

Whereas, that since these said fictitious allotments could not be considered allotted nor sold, ceded nor relinquished to the Government of the United States since they were covered by allotments to persons never existed, therefore not included, in the surplus lands sold, ceded, and relinquished to the Government of the United States; and

Whereas, that there have been some allotments made to members of the said Yankton Band of Sioux Indians who have relinquished the same and took allotments on other Indian reservations: Now, therefore be it

Resolved by the Yankton Band of Sioux Indians of Charles Mix County, State of South Dakota, in general council assembled, That it is the wish of the said Yankton Band of Sioux Indians that all of the said fictitious allotments and relinquished allotments be sold to the highest bidder and the proceeds thereof be deposited in the Treasury of the United States to the credit of the individual members of the said Yankton Band of Sioux Indians and the same apportioned and paid to each member share and share alike:

Be it further resolved, That Simon Antelope, Joseph F. Estes, and De Witt Hare, members of the said Yankton Band of Sioux Indians, be, and they are hereby, appointed as delegates, agents, and our representatives, and that they proceed to the city of Washington, D. C., and there our delegates, agents, and representatives shall look after and prosecute before the proper tribunals and executive offices the tribal business of the said band.

The council then adjourned without day.

CERTIFICATE OF THE CHAIRMAN AND THE SECRETARY.

We, the undersigned, chairman and secretary of the council of the Yankton Band of Sioux Indians of Charles Mix County, State of South Dakota, do hereby certify that the council, the foregoing of which is a report, was called, constituted, and held according to the tribal customs of the said band of Yankton Sioux Indians, and that it was according to the published call of our superintendent, A. W. Leech; that there were then there present and taking part in the said proceedings a majority of the male members of the said Yankton Band of Sioux Indians entitled to sit and take part in the councils of the said band; that the resolutions contained in the said report of the proceedings of the council represents the wishes of the said band as stated in the said council.

ALEX. HORNED-EAGLE, *Chairman*
JOSEPH GRABBING-BEAR, *Secretary*.

STATE OF SOUTH DAKOTA.

County of Charles Mix:

The undersigned being first duly and solemnly sworn on their oath depose and say that they were present at the council, the foregoing of which is a report; that said report is true and represents the wishes of the said band of Yankton Sioux Indians as expressed in the said council.

DAVID REE.
ANDREW GARFIELD.

Subscribed and sworn to before me this the 23d day of January, 1914.

[SEAL.]

JOSEPH F. ESTES, *Notary Public*.

(Copy.)

YANKTON INDIAN TRAINING SCHOOL.

Greenwood, S. Dak., January 10, 1914.

HON. COMMISSIONER OF INDIAN AFFAIRS.

Washington, D. C.

SIR: We, the undersigned members of the Yankton Band of Sioux Indians, of Charles Mix County, S. Dak., do hereby most respectfully address you to say:

First. That we protest against the council proceedings held at the Yankton Agency, S. Dak., on January 3, 1914, wherein there were present only 75 members of the said band of Yankton Sioux Indians, and that only a majority of those present voted in favor of reallothing what is known as "fictitious allotments" on the said Yankton Indian Reservation. We would call your attention to the fact that at a previous council duly called and held, wherein there were present about 120 members of the said band, and that these fictitious allotments were then under discussion, which council and proceedings thereof have been duly reported to your office by our Supt. A. W. Leech, with such comments as the said 120 members present were the most that he has been able to get together since his incumbence into office here; and that the same was a fair representation of the band; and that the said council then agreed to sell the said fictitious allotments and distribute the proceeds thereof to each member of the said band pro rata.

We contend and submit it to you that what the majority (120) did then could not be rightfully undone by a minority as is the fact in this case.

Second. We hereby protest against the members of the competence commission, who have passed upon the competency of the members of our band, for the reason that most of the members of the said commission, if not all, are themselves not competent and, therefore, not qualified to pass upon the competency of the others. We, therefore, respectfully request that the matter of the selection of a competence commission to pass upon the competency of the members of our band be submitted to the band.

Very respectfully,

LEECH'S EXHIBIT D.

STATE OF SOUTH DAKOTA.

County of Charles Mix, ss:

Arthur Stone, of lawful age, first being duly sworn, deposes and says: That he is a member of the Yankton Sioux Tribe, residing on his allotment near Lake Andes, S. Dak., and on Monday, September 8, 1913, while he was in the town of Lake Andes he met Joseph Estes, Thomas L. Sloan, and Henry Fredericks, and in conversation with the said Henry Fredericks deponent asked the said Fredericks who the said Thomas L. Sloan was, and the said Fredericks told deponent that he, Sloan, was a special inspector, appointed by the Indian committee to visit the Yankton Indian Reservation and make investigations. The deponent further stated that Fredericks told him, deponent, that when Sloan questioned the Indians that if they did not tell him the truth and what they knew that he would have them arrested and put in jail.

ARTHUR STONE.

Subscribed and sworn to before me this 16th day of September, 1913.

[SEAL.]

E. BENJAMIN, *Notary Public*.

LEECH'S EXHIBIT E.

STATEMENT OF IRONBEAR RELATIVE TO PURPORTED STATEMENTS OF AFFIDAVITS MADE BY HIM TO THOMAS L. SLOAN AT THE YANKTON INDIAN AGENCY ON A DATE SOMETIME NEAR SEPTEMBER 8, 1913.

Q. Ironbear, did you have a talk with Thomas L. Sloan and J. F. Estes when Sloan was here about two weeks ago?—A. I heard that Sloan and Estes were

out to my house, but I was not at home, but Sloan talked with my daughter, and took out a paper and read it to her, stating that some one had reported that I was worthless and had no horses or cattle or anything; that is what she said.

Q. This young woman to whom he was talking was your daughter?—A. Yes.

Q. At whose house?—A. I heard that a young woman made the report that I was talking with T. L. Sloan.

Q. Did you tell Thomas L. Sloan at your house or any house or the house of J. F. Estes or any other place that I had told you that if you did not go to Lake Andes and make an affidavit before Caster about Estes that I would put you in the guardhouse?—A. No; I heard he was out to my place, and I was down in the river bottom, and I afterwards went up to the store, but I did not have any talk.

Q. Did I ever tell you that if you did not go up to Lake Andes and make an affidavit against Estes before Caster that I would put you in the guardhouse?—A. No; you never did.

Q. Tell Ironbear that I am not bringing him here to find fault with him nor to scold him, but that I always hear lots of things and I want to find out about them.—A. I am not afraid of anyone scolding me, as I was here on this land a long time before the white man ever came here.

Q. Did I ever say anything about your going to Lake Andes?—A. No.

Q. Did you tell T. L. Sloan that when Caster was to be paid that you came to me about it and that I would not pay it?—A. No; I did not.

Q. Did you tell T. L. Sloan that you came to me and I said it was none of my business and I would not pay it?—A. Maybe.

Q. Did you tell Sloan that you came to me and spoke to me about paying you for going to Lake Andes to make an affidavit?—A. No.

Q. Did Caster tell you to come to me and I would pay you for making affidavits?—A. We did not sign any papers up there.

Q. Did Caster tell you that I would pay you for going up there?—A. Yes.

Q. That I would pay you for going up there and making affidavits?—A. I asked him for money and he told me to come to the agent. I had Frank Obeshaw for interpreter.

Q. Did you ever come to me and say anything about going to Lake Andes to see Caster?—A. No.

IRONBEAR (his X mark).

Subscribed and sworn to before me this 22d day of September, 1913.

YANKTON INDIAN SCHOOL,

Greenwood, S. Dak., September 22, 1913.

LEECH'S EXHIBIT F.

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

Minnie Paji Kelear, of lawful age, first being duly sworn, deposes and says that she is the divorced wife of Henry Kelear of this reservation, and that recently, when Thomas L. Sloan was at this agency, that he and J. F. Estes went out to her place to see her, but failing to find her at home they left, and she afterwards went to the Estes home to find out what they wanted. The deponent further declares that in the conversation with the said Sloan she told him that she had been separated from her husband, Henry Kelear, and that he refused to acknowledge or support the last child by her, but that she did not say anything directly or indirectly to the effect that the superintendent of the Yankton Agency interfered with her family affairs to induce her husband to leave her, and that she signed no statements or affidavits to that effect.

MINNIE PAJI KELEAR.

Subscribed and sworn to before me this 22d day of September, 1913.

YANKTON INDIAN SCHOOL,

Greenwood, S. Dak., September 22, 1913.

LEECH'S EXHIBIT G.

STATE OF SOUTH DAKOTA.

County of Charles Mix, ss:

Henry Fredericks, a member of the Yankton Sioux Tribe of Indians, being of lawful age, first being duly sworn, deposes and says that he met T. L. Sloan on Saturday, September 6, 1913, and that he invited him up to his house and had a talk with him, and in their conversation he showed the said Henry Fredericks his (Sloan's) authority and told him what he was out there for, saying that he was employed by the congressional committee. Mr. Sloan asked the deponent, Henry Fredericks, to drive him out and the deponent did. Mr. Joseph F. Estes was along all the time that they were out, which was about two and one-half days. During this time they drove to Ironbear's place, Wagner, Ravinia, Lake Andes, and Adam Hero's place and Frank K. Lambert's, and then back to Lake Andes, and then to the county line looking for Adam Hero; and from there back to Greenwood by way of Wagner. They were also at William Bean, sr., Old Lady Brownthunder's.

On this trip with Thomas L. Sloan, he, Sloan, showed the deponent, Henry Fredericks, his papers of authority and told him that he was after the agent, Mr. Leech. During the trip the deponent, Fredericks, did about one-half of the interpreting and Mr. J. F. Estes did the other half of the interpreting. In Mr. Estes's interpretation he told the Indians that Mr. T. L. Sloan was an inspector or special agent.

The deponent further declares that he himself had no personal grievance against the superintendent of the Yankton Agency, S. Dak., whatever.

HENRY FREDERICKS.

Subscribed and sworn to before me this 18th day of September, 1913.

ALBERT H. KNEALE, *Supervisor.*

GREENWOOD, S. DAK., *September 18, 1913.*

LEECH'S EXHIBIT H.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
YANKTON AGENCY.

Greenwood, S. Dak., February 9, 1914.

HON. JOSEPH T. ROBINSON,

*Chairman Senate Committee on Investigation of Indian Affairs,
Washington, D. C.*

MY DEAR SENATOR: I am back home, and will at once prepare and forward to you a complete history of the Adam Hero case. This report will probably leave here the last of this week. I will also have prepared and forward to you the agency physician's report on the location of the R. D. Bailey slaughterhouse with reference to the water supply of the agency and school.

This slaughterhouse was located where it is several years ago while Evan W. Estep was superintendent here and was here during the remainder of his administration and that of his successor, Walter Runke, and, so far as I know, this question was never raised before.

I wish to make a correction in the written statement made to you while I was in Washington. It is on page 2. The balance on hand July 1, 1912, of individual Indian money was \$582,734.17 instead of \$58,273.17. The figure "4" was omitted.

In thinking over the statement made before the committee relative to the sale of stock at this school will say I had in mind at the time the sale of hogs. We have sold some other stock through advertisement at public auction. However, all sales have been made in accordance with Indian Office regulations.

Trusting that these corrections will appear in the record, I am,

Very truly,

A. W. LEECH, *Superintendent.*

FEBRUARY 18, 1914.

Mr. A. W. LEECH,

Superintendent Yankton Agency, Greenwood, S. Dak.

MY DEAR SIR: I am in receipt of your letter of the 9th instant. The corrections you request shall accordingly be made in the written statement submitted to the commission.

Yours, truly,

JOE T. ROBINSON, *Chairman.*

LEECH'S EXHIBIT I.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
YANKTON INDIAN SCHOOL,
Greenwood, S. Dak., February 14, 1914.

Hon. JOE T. ROBINSON,

Chairman Investigating Committee, Washington, D. C.

DEAR SIR: In compliance with my promise to furnish a detailed statement relative to the taking of Adam Hero, a Yankton Sioux Indian of this reservation, from the competent list, and other matters pertaining to leasing his land, I have the honor to submit the following:

In September, 1911, Adam Hero leased his land to William F. Shiefer for two years, from March 1, 1912, to March 1, 1914. A copy of this lease was sent to the Indian Office on October 18, 1911. The consideration for this lease was \$330 per year. On September 14, 1911, Adam Hero signed receipt for \$540 as rental payable in advance. Following is copy of receipt:

RAVINIA, S. DAK., *September 14, 1911.*

Received of William F. Shiefer \$540.00 for rental 1912 and 1913, for N 2 NW/4 section 8, and S/2 SW/4 section 5, township 96, range 64.
\$540.

(Signed) ADAM HERO.

This above transaction occurred before my assuming charge at this agency. On August 3, 1912, Adam Hero came to my office and handed me the following letter, which he had had written for him by Rev. J. P. Williamson, Presbyterian missionary at this agency.

Maj. LEECH.

MY FRIEND: I can not get the interpreter to come and so I got a paper to ask you please collect the money for my rent and give to me. I want some things and I want to go to the big meeting at La Plante.

(Signed) ADAM HERO.

AUGUST 3, 1912.

It seemed that there was some kind of a meeting of the Indians to be held at the Cheyenne Reservation, and Adam Hero wanted the money with which to attend this. Upon questioning Hero, he informed me that there was yet due him the sum of \$157.50, and as I had no means of knowing how much had been paid him I wrote the following letter and gave it to him to deliver to Mr. Shiefer, the lessee.

YANKTON AGENCY,
Greenwood, S. Dak., August 3, 1912.

Mr. WILLIAM F. SHIEFER,

Ravinia, S. Dak.

DEAR SIR: Adam Hero complains that you have not paid him the lease money due him March 1, 1912, amount \$157.50, and if this is the case, you will please pay him the money at once.

(Signed) LEECH, *Supt.*

At this time Mr. Shiefer was away in Minnesota and his affairs were in the hands of Mr. Wehde, who was assistant cashier of the Ravinia (S. Dak.). State Bank. Mr. Wehde called me up over the phone and we arranged that he,

Wehde, would pay Adam Hero the amount as asked for by him. Later I received the following letter from Mr. Wehde:

RAVINIA STATE BANK,
Ravinia, S. Dak., August 20, 1912.

MR. A. W. LEECH,
Supt. Greenwood, S. Dak.

SIR: I find according to receipt that Adam Hero was overpaid on his rental. Now, I advanced this last amount of \$157.50, and if you will recall our talk over the phone just prior to the time I paid him, you thought it would be all right to pay him, and if he were overpaid you would try to get a refund for me. So if there is a possible chance for me to get it back, I wish you would urge him on, as I could use the money to good advantage before he would have another rental due him. Adam Hero tried to obtain money on this lease several places, so I settled for tenant as per your order.

(Signed) H. A. WEHDE.

About this time Mr. Wehde came to this office and produced a receipt for \$540, previously mentioned. It will thus be observed that with the \$540. amount of receipt, and the \$157.50 paid him by Mr. Wehde, that Adam Hero received the sum of \$697.50, or \$37.50 more than the amount due him for two years' rental at \$330 per year. Shortly after this, Adam Hero went to Lake Andes, S. Dak., where Harry Hardman, an attorney there, made out a lease on his land to J. E. McFarland and paid him \$100 in advance. This lease was for the year 1913, and when it was sent to this office for approval it was rejected, because the lease of Shiefer, on which Adam Hero had overdrawn the rental to the amount of \$37.50, covered a period of more than a year yet, and the same time for which this lease of McFarlands, as above mentioned, was drawn. Harry Hardman then endeavored to get back the money advanced by him to Adam Hero, but he (Hero) had already spent \$40 of it. In the light of the above transactions it was thought that it would save this office a lot of annoyance if Adam Hero was taken off the competent list and his rental money collected through this office. So, accordingly I wrote the Indian Office as follows:

YANKTON AGENCY,
Greenwood, S. Dak., October 8, 1912.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I have the honor to recommend that Adam Hero, 59 years old, allottee No. 943, be removed from the list of competent Indians and placed on the list of noncompetents. Adam Hero made a lease on his land for two years, beginning March 1, 1912, to William F. Shiefer, and he receipted for the rental of this land \$540, and he has now overdrawn his rental \$37.50, yet he later came to this office and told me that he had only received a small amount of the rental. This lease had one year to run yet, and on October 1, 1912, he made another lease for the season of 1913 to J. E. McFarland. I inclose a copy of this lease. McFarland had paid him \$100 on this proposed lease. Adam Hero can neither read nor write nor speak the English language. I think for the above reasons that he should be removed from the competent list.

Very respectfully,

A. W. LEECH, Superintendent.

The Indian Office, under date of October 18, 1912, C. F. A., approved my recommendation and recommended that Adam Hero be taken off the competent list, which action was approved by Lewis C. Laylin, Assistant Secretary of the Interior, on November 7, 1912. Later when it was found that Shiefer had subleased the Hero land, contrary to Indian Office regulations, his lease was canceled for the year 1913, according to the following notice:

YANKTON INDIAN SCHOOL,
Greenwood, S. Dak., December 9, 1912.

MR. WILLIAM F. SHIEFER,
Lake Andes, S. Dak.

SIR: This will inform you that I have canceled your lease on the Adam Hero allotment for the reason that you have subleased the land.

Very respectfully,

A. W. LEECH, Superintendent.

On the same date—December 9, 1912—the Indian Office was notified as follows:

YANKTON INDIAN SCHOOL,
Greenwood, S. Dak., December 9, 1912.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I have the honor to advise you that I have this day canceled the lease on Adam Hero allotment to William F. Shiefer, for the reason that the lessee had subleased this land. This lease was submitted to your office October 18, 1911, as a competent lease.

Very respectfully,

A. W. LEECH, *Superintendent*.

After the canceling of the Shiefer lease, Harry Hardman made out a new lease between Adam Hero and J. E. McFarland, in which the consideration was \$262.50. This lease was for a period of two years instead of three years, as will be noted by consulting Hardman's letter, which is inclosed herewith. This lease was made out as a noncompetent lease, in which the money was to be paid into this office. In addition to the amount of \$262.50, McFarland paid to Hardman the \$40 which Hero had received on the lease that was rejected, as previously mentioned. Hardman was also paid the \$37.50 which Wehde overpaid Adam Hero, as previously mentioned, and the amount was turned over to Wehde. In March, 1913, McFarland turned into this office \$262.50, which was placed to the credit of Adam Hero, March 19, and since paid over to him, together with \$142.50 he derived from the proceeds of a land sale, making \$405 paid out to him during the past year. (If desired, copy of our record will be furnished.)

It will thus be seen that Adam Hero received the following amounts during the past year: \$262.50 from McFarland; \$40, which he collected and spent from the first lease drawn; \$37.50, the amount which was overpaid to Hero on previous lease; making a total of \$340, or \$10 more than the amount for which he rented his land to Shiefer. Adam Hero had no ground for complaining. The office here has been to considerable trouble trying to straighten out the tangle in which he got his affairs while he was on the competent list, and while the case is a complicated one, because of the unreliability of the actions of Hero himself in collecting money which should not have been paid him and for the endeavors of the office here to adjust the matter in fairness to both sides. As to any other money that might have been paid to Harry Hardman by McFarland I have no knowledge other than what is contained in his letter which is inclosed herewith. Hardman has acted as McFarland's attorney, and if he charged for his services that is his private business. If the McFarlands have ever had any trouble they have never come to me with it. They did not come to this office when they wanted the Hero lease, but went to Harry Hardman to get him to do their business for them. If they had not been satisfied with the arrangement of their lease they could have taken up the matter here at this office, where it would have been adjusted. If they had not wanted to pay Hardman for transacting their business for them they could have come to this office and transacted it themselves without any charge. Both McFarland and Hero signed this lease, and the matter has been explained to Hero several times, but he does not seem to want to understand it. Harry Hardman is a young attorney living at Lake Andes, 22 miles north of this agency. He is married to a mixed-blood Yankton Sioux Indian, and was formerly a clerk at this agency. During the administrations of Estep and Runke, and the first year of my administration here, there was no farmer stationed at Lake Andes, and many of the Indians of that vicinity went to Harry Hardman to get him to transact their business for them rather than come to the agency. This is the way Hardman became involved in the Hero affair. Mr. Harry Hardman is an honest, straightforward young man and has always borne a good reputation in the community in which he is living, and I have never seen anything to indicate to the contrary.

Instead of permitting Hero to be punished for accepting money on a lease covering a period for which he had already leased his land and accepting pay this office went to considerable trouble to adjust the matter so that no one would suffer thereby, and the only reason for recommending that he be taken from the competent list was that no further complications of this kind might arise. I am inclosing letters from Harry Hardman and Ernest Benjamin covering this particular deal, and would state that Mr. Benjamin is the farmer stationed at the Lake Andes district at the present time.

Trusting that this will clear up the Adam Hero matter in a satisfactory manner and assuring the committee if there is anything that is not thoroughly understood, I will be pleased to make further explanations, I am,

Very respectfully,

A. W. LEECH, *Superintendent.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Lake Andes, S. Dak., March 26, 1913.

A. W. LEECH,
Superintendent, Greenwood, S. Dak.

SIR: I have your letter of March 24, relative to the lease on the allotment of Adam Hero. Adam understands all about the matter, has had it explained to him probably 10 times. He had a two-year lease with Scheifer, which was to run out March, 1914. He drew his rental for two years in advance and then came into the office and told Mr. Leech that he had not received all of last year's rent. I telephoned to the man who had a lease on his land and told him to dig up. It seems that Schiefer had subleased the land and the man who was farming the land paid him \$157.50. He had already received from Schiefer and had receipted to him for the full two years rent, excepting \$120 still due on the second year's rent. Because Schiefer had subleased the land I canceled the lease and before or about that time Adam Hero went up to Lake Andes and made a competent lease to another party for 1913 and they paid him \$100 in advance. I at once telephoned to Hardman and he got \$60 of that money returned. Then I told Hardman to make a lease to the same man and to hold out \$37.50, and \$40 out of the consideration on the new lease to be made as a noncompetent lease. So the rental received was \$340.

Then Schiefer came back from Minnesota and went down to see Adam Hero about getting his team back. They called at this office and wanted me to settle the matter and I told them that I did not want anything to do about the matter. I told Adam that he did not have to give up the horses and I also told Schiefer that he had to settle with the man who lived on his place for what money he paid Hero if he settled with Hero. Schiefer receipted for the return of the rent from Hero for the year 1913 in full and paid into the bank for Hero \$100 and made same payable to me. I have paid Hero his money as he wanted it, \$25 per month. He understands the whole thing as near as he can understand anything. Explain it all to him and see how long it will be before he is back and wants you to explain it again.

Very respectfully,

E. BENJAMIN, *Farmer.*

LAKE ANDES, S. Dak., February 9, 1914.

MR. A. W. LEECH,
Superintendent, Greenwood, S. Dak.

DEAR SIR: Replying to your favor of the 6th instant, with reference to a certain lease between Adam Hero and J. E. McFarland which was drawn up by me, will state that I am willing to give you such information as you might ask if it is within my power to do; at the same time I can not conceive what business it is of anyone's what transpired between myself and J. E. McFarland or his brother, W. I. McFarland, or anyone else. If it will be of any benefit to you, I am more than glad to tell you all that I remember about it and will grant you the privilege of using the letter.

In the first instance I made a lease between these parties after phoning to the agency office, upon their recommendation, and paid Hero a considerable sum of money on the lease, as he was then on the competent list, and this was the manner in which these transactions were made. When the lease reached the office at Greenwood it was returned to me with the information that there already was an existing lease on the land, and that it was leased for the ensuing year. I tried to get the money back from Hero, but Hero had used the greater share of it, and after making several trips to Hero's, Greenwood, Wagner, and Lake Andes, etc., by auto, I finally obtained the lease which is now on the land with J. E. McFarland. The \$37.50 referred to was paid to H. A. Walde, of Ravinia, S. Dak., and was for a note which Adam Hero gave, or else for money advanced by the reuter of Schiefer; at any rate, Hero directed me to pay this, which I did. The \$40 was paid to Mr. Hero, and this may have been the amount Hero obtained in the first lease which was made between the parties.

I wish you would inform me what this explanation is needed for and who the party is that is trying to raise some disturbance over it. If it is the McFarlands, I want to know and to see what they have written about it, etc.

Very sincerely,

HARRY HARDMAN.

LAKE ANDES, S. DAK., February 19, 1914.

MR. A. W. LEECH,

Superintendent, Greenwood, S. Dak.

DEAR SIR: Replying to your telephone of a few moments ago, with reference to the McFarland-Hero lease matter, will state that W. I. McFarland, of Wagner, S. Dak., employed me to obtain a lease on the Adam Hero lands, and I drew up the leases, had Hero come in and signed them up, went out after the McFarlands, and got everything fixed up ready for the approval of your office. I sent the leases down and it was returned to me with the information that another man had a lease on this land and that it could not be leased for that year. I had given Hero \$100 which was given me by W. I. McFarland for the purpose, and by the time I was able to get hold of Hero he had only \$60 of it left. I wrote your office explaining the situation, and the existing lease was canceled on account of some irregularities, and I was informed that I could now go ahead and get the land for McFarland if Hero desired to lease it to him. I obtained a lease with Hero for two years at the annual rental of \$262.50, if your information to me is correct. I took the lease to the office in person and it was approved while I was there, and I handed it to the McFarlands and went on to Wagner where we left W. I. McFarland, and I came on home with John McFarland, and left him at his place. I had made several auto trips to Greenwood and Wagner on this account, and these distances amounted to about 60 to 70 miles a trip. I also had considerable trouble with Hero in hunting him down. He had the money and he thought it would be a good plan to keep it and give McFarlands the sack to hold, but I convinced him that he was working an injustice on them, and finally he consented to make the new lease. There was no way of getting the \$40 back and he compelled me to pay him, as I recollect the facts, \$25 in cash, and about the same amount in an account which was existing between us. It was also necessary for me to pay \$37.50 to W. A. Wehde on this deal, which was done at Hero's request. McFarlands gave me \$115 more on this deal. J. E. McFarland gave me a check, but when it was presented it was not paid, and as W. I. McFarland had told me what he would do about the deal I looked to him for its payment. He was very anxious to get this land, because his brother was broke, and he was going to pay the cash, and his brother was going to give him a share of the rents. His brother was leasing 80 acres of land which W. I. owned or contracted for and he wanted to get even with his brother whom he told me was greatly in debt to him. His brother had told me how W. I. had robbed him of his Wagner property, and it looked to me very much like dog-eat-dog between these two. It has been my customary charge to go to the trouble of looking up lands for white men to lease of 25 cents per acre, and they were to pay any extra expenses which I might be put to such as the above transaction was concerned. I figure that W. I. McFarland and his brother were well cared for by my services and that my fees were none too little. Had I known that he proposed to drag me out into an unjust and uncalled for lot of criticism about this land I would never have tried to save him his \$40. This is a matter which is of no consequence to the Indian Office, and if McFarland and I had any deal whereby I was to obtain land for him from the Indians, the amount of money which I was paid makes no difference.

In view of the fact that these McFarlands and others have made charges against me in this connection, I would request that you have the Indian Office send me true copies of what has been said and done concerning me.

Very sincerely,

HARRY HARDMAN.

LAKE ANDES, S. DAK., February 19, 1914.

HON. JOE T. ROBINSON, *United States Senator,*

Chairman of Commission to Investigate Indian Affairs, Washington, D. C.

SIR: Mr. A. W. Leech, the superintendent in charge of Yankton Agency, S. Dak., to-day requested me to make a statement concerning a certain lease now

existing between Adam Hero and John E. McFarland, and I have forwarded the same to him on this mail. It appears to me that from the statement which he made to me concerning the matter that various parties have made affidavits concerning me and have presented them to your committee. If my name has arisen in this investigation in any manner, I would greatly appreciate the fact if you would give a complete copy of all the case, so that I may be able to defend myself against undeserved criticism.

Thanking you for an early compliance with my request, I am,

Respectfully,

HARRY HARDMAN.

FEBRUARY 18, 1914.

Mr. HARRY HARDMAN,
Lake Andes, S. Dak.

DEAR SIR: In reply to your letter of the 10th instant, no hearings had before the Joint Commission to Investigate Indian Affairs have as yet been printed.

It is the policy of the commission to extend to all persons an opportunity to be heard before taking action on any charges filed with the commission.

Yours, truly,

JOE T. ROBINSON, *Chairman.*

LEECH EXHIBIT J.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
YANKTON AGENCY,
Greenwood, S. Dak., February 17, 1914.

HON. JOSEPH T. ROBINSON,
Chairman Committee to Investigate Indian Affairs,
Washington, D. C.

DEAR SIR: I am inclosing herewith statements and affidavits relative to the matters upon which I was questioned by your honorable committee while I was in Washington recently.

The affidavits of R. D. Bailey, Edward Bailey, Rudolph Kopke, and Elmo Eddy ought to refute the allegation that I have been financially interested in the meat market of R. D. Bailey at this agency. The affidavits of Edward Bailey, Mr. Kopke, and Mr. Eddy were taken by Supervisor Kneale at my instance when he was here last summer.

The report of Dr. Collier, agency physician, shows the weight of the presumption that negligence has been exercised in allowing the slaughterhouse of R. D. Bailey to remain where it was established four years ago and has remained ever since under two previous superintendents and three agency physicians, and where the location was never questioned before. Will procure statement of county health officer if desired.

The affidavit of R. D. Bailey relative to the repair of the floor of the slaughterhouse is also inclosed.

Report on Adam Hero case was forwarded a few days ago.

I wish again to state that this whole business is prompted and instigated by one Joseph F. Estes because of certain reports I have been called upon to make against him in refusing to recommend him for a trader's license. He may not have signed all letters you have received, but I think you will find most of them written on an Oliver typewriter, and they were prompted by him. A man who will attack the character of his own wife and bribe witnesses, as indicated by the inclosed record and copy of letter, will not hesitate or scruple in his attack on others. This case for bribery is still pending, and affidavits of ex-State's Attorney Janousek, State's Attorney Wyman, Sheriff Rathgeber, and Deputy Sheriff Johnson are on file in the Indian Office. I would respectfully ask that you look up his record there.

He is now fostering a so-called Young Men's Association for the purpose of stirring up factional strife here among the members of this tribe.

I have too much confidence in the good judgment of the members of your honorable committee to believe you will countenance such methods, and all I

ask is that your committee will visit this reservation and observe conditions here and inquire into the character of the persons who are fostering trouble.

Very respectfully,

A. W. LEECH, *Superintendent.*

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

R. D. Bailey, of lawful age, being first duly sworn, deposes and says that he is 29 years of age, and was born and raised at the Yankton Indian Agency, Greenwood, S. Dak., where his father, J. B. Bailey, has been a licensed Indian trader for the past 31 years.

Deponent further declares that he is the junior member of the firm of J. B. Bailey & Son, conducting a general traders' store at Greenwood, S. Dak., under a license issued by the Interior Department, and that no person whomsoever owns any interest whatever in said business or has any money invested directly or indirectly in said business, other than the said J. B. Bailey and deponent himself, nor does said firm, or either member thereof, owe any person for borrowed money, other than the First State Bank of Wagner, S. Dak.

Deponent further states that on the 9th day of September, 1912, he purchased the meat market at Greenwood, S. Dak., of George Abdalla, which deponent conducted under a traders' license and under the firm name of R. D. Bailey, which business was conducted under said name and license for one year, or until merged into the general business of J. B. Bailey & Son.

Deponent further declares that no one whomsoever ever owned any interest whatever or had any money invested in the meat market of R. D. Bailey, nor furnished any of the money for the purchase of said business, other than deponent himself, nor did anyone whomsoever participate in any way, directly or indirectly, in the profits of said business, other than deponent, and that all Government employees were charged and paid the same prices for meat purchased at said meat market as were charged Indians and other patrons of said market.

Deponent further declares that he has just been appointed postmaster at Greenwood, S. Dak., to relieve J. F. Estes, removed for cause.

R. D. BAILEY.

Subscribed and sworn to before me this 16th day of February, 1914.

[SEAL.]

W. B. McCOWN, *Notary Public.*

My commission expires December 24, 1916.

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

R. D. Bailey, of lawful age, being first duly sworn, deposes and says: Some time last September, 1913, one Thomas L. Sloan was at Greenwood, S. Dak., and while there he visited my slaughterhouse and stock yards, and I understand that he has made charges against me that they were insanitary. A week or so previous to his visit, while slaughtering an unruly animal, there were three or four boards broken in the floor which had not been repaired at the time of his visit, but I herein state and solemnly swear that two days after his visit that I had a new floor put in the slaughterhouse to remedy those conditions.

R. D. BAILEY.

Subscribed and sworn to before me this 16th day of February, 1914, at Greenwood, S. Dak.

[SEAL.]

W. B. McCOWN, *Notary Public.*

My commission expires December 24, 1916.

Mr. Elmo Eddy, being of lawful age, first being duly sworn, makes the following answers to questions asked of him by Supervisor Kneale:

Q. Were you employed by Mr. R. D. Bailey in the late fall and early winter of 1912—A. No.

Q. When did you begin to work for him?—A. March 4, 1913.

Q. How long have you worked for him?—A. I am still working for him.

Q. Was it a part of your duty to keep the books?—A. Yes.

Q. Did Supt. Leech purchase supplies from the market?—A. Yes.

Q. Was a greater part of his business cash or credit?—A. Credit until the end of the month, and after that the bill was sent to him and collected.

Q. He would run a bill?—A. Yes.

Q. Was there any discount made to him?—A. No.

Q. He paid the same price for goods as other people did?—A. Yes.

Q. Have you seen anything during your employment by R. D. Bailey to indicate that Supt. Leech was taking any marked interest in the shop of R. D. Bailey?—A. No; I have not.

Q. Have you ever heard in this time that Supt. Leech is or has been a partner with R. D. Bailey in the butcher business?—A. No; I heard it from outsiders.

Q. When did you hear the rumor that Supt. Leech was a partner with R. D. Bailey?—A. When I was working up at Flandreau; and some people said that he was, but I did not pay any attention to them as I did not think they were reliable.

Q. Who was it?—A. I do not know.

Q. Have you heard it discussed recently?—A. No.

Q. You stated that you heard it mentioned, but not by reliable parties, but you seem unable to recall the names of the parties.—A. I believe it was Guy Arrow and Frank Obeshaw, but I did not pay any attention to them, and I have never heard anything about it since that I recall.

Q. Did you have any reason to believe at that time that the rumor was true?—A. No; I did not.

Q. Is there bad blood between Ed Bailey and his brother, R. D. Bailey?—A. Yes; they are bitter enemies.

Q. Do these two young men bear equally good reputations in the community?—A. I think Roy does, but I could not say about Ed. He is a very quarrelsome fellow.

(Mr. Elmo Eddy is questioned by Supt. Leech:)

Q. Have I been about the butcher shop much?—A. No; I should say not at all.

Mr. Ed Bailey, first being duly sworn, makes the following answers to questions asked of him by Supervisor Kneale:

Q. Have you any reason to believe that Supt. Leech was in partnership with your brother, R. D. Bailey, in the meat market, after he took over the market from George Abdalla?—A. No; I never thought so, and I talked with several parties.

Q. Did you make a statement to T. D. Sloan in regard to the matter?—A. No. I made a statement to Mr. Sloan, but not in regard to the partnership between Roy and Mr. Leech. A part of the statement related to my license and to this reservation being thrown open.

Q. Have you any complaint that you would like to make against Supt. Leech?—A. Yes; I do not think that I have been treated right, and I have been on the reservation 30 years, and I do not know as Supt. Leech has wanted to inflict any hardship on me, but I asked for a license here, but George Abdalla was selling meat and he tried to discourage me. I was then selling meat at my father's place, and afterwards I had some trouble with my father and I sold meat in the rear end of J. F. Estes's store, and I tried to rent a building and I could not get it, and I was going to take out a license, but from the fact that I could not get a building I went away to Montana, and when I came back I began to peddle meat, and I asked Supt. Leech if he would object to my selling meat without a license on the reservation. He said no, but not on the agency reserve, and I sold meat to Bowdish, Peter St. Pierre, and Moine Emons, and such parties, and after that I was ordered off the reserve, as he said I was selling meat without a license. Now I have a license, but before he would recommend my having one he requested me not to sell meat as long as Roy was conducting a market at this agency.

Q. Do you know why he would make such a request of you?—A. I do not think it was because he was in partnership with Roy, but I think Mr. Leech was trying to do the right thing, but I had gotten into trouble with my father and he was trying to compromise. That is what I actually believe, but not to injure me as he has done.

Q. He has injured you?—A. Yes; by not letting me sell meat, but I do not believe he was interested in Roy's business at all.

Q. Do you think it is advantageous to have only one meat market? A. I think it is a detriment.

Q. Is there sufficient trade to conduct more than one meat market? A. Yes; two or three, or even a dozen.

Mr. Ed Bailey is questioned by Supt. Leech:

Q. Did I not say to you at the time you first wanted to sell meat that if you could buy out George Abdalla here, I would favor your license?—A. Yes; but at the same time you acted displeased to me. You also said that parties handling meat would have to have good meat and see that it was on hand all the time, and afterwards I reported to you that Roy was out of meat and nothing was done.

Q. How long had he been out of meat?—A. I do not know.

Q. Did you mention it more than once?—A. No.

Q. You also mentioned the fact that Roy had bad meat?—A. I do not remember. I am not trying to find fault with any employee or anything of that kind.

By Supervisor KNEALE:

Q. What are your reasons?—A. I am trying to make all the money I can, and I really do not want to see Supt. Leech moved and the other fellow would come here and probably here and the money would be tied up and that is the way I feel about it, and I am well acquainted with Supt. Leech and he is probably understanding me better.

Q. How did Mr. Sloan happen to come to you in regard to this matter?—A. I do not know. I did not expect him.

Q. Did he represent himself as a Government official?—A. No.

Q. What was his business?—A. I understood that he was sent out here by the investigating committee, but I never asked him.

STATEMENT OF SUPT. LEECH.

The fact is like this: About a year ago, in June, July, and August, it was impossible to get any meat, especially any that was fit to eat. Mr. J. B. Bailey and George Abdalla were both selling some and the weather was too hot and there was considerable complaint, and I went to Roy Bailey and told him that it was very unsatisfactory and that if we had one good shop it would be a greater benefit than three or four poor ones, and Roy Bailey said well, if he would be allowed to sell meat and no one else, that he would think about it, and I told him to see the other traders and find out what they thought about the matter and if they were willing that he should have the exclusive trade in meat; and Roy saw them and it was satisfactory and he bought out the George Abdalla meat market. Shortly after he bought, F. Fredericks began selling meat and Roy complained to me and I asked Mr. Fredericks about it and he denied it, and then I let the matter go as I did not care to go into the matter further, as Mr. Fredericks had a general trader's license, and Roy felt that if it had not been for me he would not have purchased the meat market, and he thought that he ought to be protected. That is the reason that I made the statement to you that I did.

(Mr. Bailey is questioned by Supervisor KNEALE:)

Q. Mr. Bailey, how many papers did you sign for Mr. Sloan?—A. One paper only.

Q. And the paper that you signed related to this matter we have been discussing?—A. I said nothing concerning this partnership business only that I made the statement that I was not to sell meat while R. D. Bailey was in business here, that is all. Mr. Sloan promised to send me a copy of the statement I signed but I have not received it yet.

Rudolph Kopke, of lawful age, first being duly sworn, makes the following replies in response to questions asked him by Supervisor Kneale:

Q. Where are you employed?—A. I am working for myself.

Q. Prior to this time, where were you working?—A. I was working for R. D. Bailey.

Q. In what capacity?—A. In the butcher shop and then in the feed lot.

Q. Did you keep the books while you were working in the shop?—A. Yes.

Q. What time were you keeping the books?—A. From September, 1912, until March, 1913.

Q. During that time was Superintendent Leech a customer?—A. Yes.

Q. Was he a preferred customer?—A. No.

Q. Did he get any discount?—A. No.

Q. Did he do a credit business?—A. Yes.

Q. Were the charges entered in the books?—A. Yes.

Q. Did you hear or see anything to indicate that he was a partner?—A. No.

Q. Have you ever heard it alleged that he was a partner?—A. I have lately.

Q. From what source?—A. Some people asked me about it.

Q. What persons?—A. Ed Bailey, for one.

Q. How long ago?—A. About a month ago.

Q. Can you remember the conversation you had with him relative to this matter?—A. He spoke to me as though Mr. Leech has been a partner, and I denied it. I told him that I was sure that Mr. Leech had never been a partner.

Q. Can you say from your own knowledge if Mr. R. D. Bailey ever borrowed any money?—A. Mr. Bailey told me that he did just before I quit working for him, but I do not know the amount he borrowed.

Q. What circumstances lead to his telling you that?—A. I do not know. He just told me so.

(Rudolph Kopke is questioned by Supt. Leech:)

Q. Did you make out the bills for me on my account?—A. Yes.

Q. Where were they settled?—A. Mr. R. D. Bailey was paid, and he told me to give you credit for it. I brought the bills down to the office.

(Superintendent Leech at this time introduced his check book showing stubs of checks issued by himself during the past six months, or from January 1, 1913, to July 1, 1913, payable to R. D. Bailey in the sum of \$19.50; another dated March 17, 1913, payable to R. D. Bailey in the sum of \$10.55; one on May 6 in the sum of \$12.80; one on July 2 in the sum of \$13. He also introduced a receipted itemized bill dated July 1, 1913, for meats purchased during May and June and a receipted bill dated May 11, for an account running from March 6 to May 1, the first bill in the sum of \$13 and the second in the sum of \$12.80; also a receipted bill itemized from R. D. Bailey from October 4, 1912, to December 31, 1912.)

YANKTON AGENCY.

Greenwood, S. Dak., February 7, 1914.

Dr. L. H. COLLIER,

Agency Physician, Greenwood, S. Dak.

DEAR SIR: It has been reported that the slaughterhouse and feed yards of R. D. Bailey located at this agency are so situated that there is a possibility that they are a menace to the health of this agency because of the probable drainage from them entering our water supply. I would therefore thank you to make a thorough examination into the matter and report to me at an early date. Report on any other sanitary conditions that you may think need correction.

Very respectfully,

A. W. LEECH, *Superintendent.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
YANKTON INDIAN SCHOOL,
Greenwood, S. Dak., February 12, 1914.

Sup. A. W. LEECH,

Greenwood, S. Dak.

SIR: I am in receipt of your letter of February 7, 1914, relative to sanitary conditions at this agency, and in reply I would respectfully state that there is a possibility of a probable drainage from the Roy Bailey slaughterhouse, but the probability is so very remote that I would never give the matter a thought, and since I have been here there has been no drainage at all from that source, and in talking with some of the older employees here, I have found that to their knowledge there has never been any drainage from that place. The slaughterhouse is situated so far from the river that the small amount of drainage would be dried up or absorbed by the ground before it reached the river. However, since my attention has been called to this matter, after the first rain or thaw I will collect a sample of the drinking water and forward it to the State chemist for analysis, in order to be positive about the matter. Before doing so, however, I

would recommend that there be another settling basin built or a large filter put into the one we have, because the present condition of the water supply from the river is muddy when the water is pumped into the pipes, and this makes the drinking water very muddy at times, making it extremely insensitary. Our water, except during this time when the river is muddy, has the appearance of potable water, being tasteless, odorless, and perfectly clear.

I would also recommend that the manure be hauled away from the rear of the feed barn, as heavy rains would wash the animal impurities into the river.

Very respectfully,

LELAND H. COLLIER, *Physician.*

YANKTON, S. DAK., *December 31, 1912.*

A. W. LEECH,

Superintendent Indian School, Greenwood, S. Dak.

DEAR SIR: Answering your favor of the 28th instant, relative to the case of Mrs. Estes, will state that some time in August, 1912, Mr. Estes called on the police officers of this city and told them his wife was arranging to meet a stranger from Sioux City at the Portland Hotel here and he came to my office with the officers with a view of obtaining a warrant for his wife on the charge of adultery. I took steps to investigate the matter; the whole thing looked suspicious. No warrant was issued. In the meanwhile Mrs. Estes came to my office for the purpose of making an arrangement to divide up some property between herself and her husband, and she explained to me that she was told to come to Yankton and that a stranger, supposed to be a lawyer from Sioux City, was to meet her at the Portland Hotel here to attend to the business between herself and her husband. She stated she was shown to the room and as soon as she discovered that she was in the stranger's bedroom and that she was in a position where she might be criticised she immediately left the room, and an Indian named Tom Arrow was spying in the next room. Mrs. Estes said she went into this room with the view of making the transfer, thinking it was the parlor where she was to meet this person. Instead of being shown into the parlor she was shown to the stranger's bedroom and she got out of there immediately.

I was satisfied at the time that an effort was being made by her husband to induce her to visit this room with a view of securing evidence for a divorce suit, and I was also satisfied that Arrow, the Indian referred to, was acting as a spy for the husband. Mrs. Estes impressed me as a decent woman, and she was highly excited over the matter; I also believe she was telling the truth. Prior to the time Mrs. Estes visited the Portland Hotel she was registered at the Merchants' Hotel in this city, and the attorney in question came to her hotel and requested her to meet him in the parlor at the Portland Hotel, and that her husband would be there at that time and they could draw up the necessary papers.

After Mr. Estes made inquiries with reference to his wife at the Merchants' Hotel, she was ordered from the hotel and went to the Sacred Heart Hospital here, where she passed the night. As soon as I ascertained the circumstances, I notified the proprietor that he had no reason to refuse her lodging, but the Estes left the city the next day. The name of the proprietor of the Merchants' Hotel at that time was George Sherwood, and he is still in charge at this time. He is absolutely reliable and will tell the truth. When the trouble arose with the Estes I was very busy and employed Mr. Wyman, a local attorney, to assist me. We went over the facts thoroughly and finally decided that the best thing to do under the circumstances would be to reconcile the husband and wife, which we did. Mr. and Mrs. Estes related their experiences to Mr. Wyman, and he can give you further information, if desired.

Kindly write me if any further information is needed.

Respectfully,

JOSEPH JANOUSKE, *State Attorney.*

Before T. F. Ward, judge of the county court.

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

The State of South Dakota *v.* Joseph F. Estes. Information for bribing a witness.

Ambrose B. Beck, State's attorney of said county, being first duly sworn and examined on oath by the undersigned, T. F. Ward, judge of the county court

and for the county of Charles Mix and State of South Dakota, on his oath upon information and belief says that on the 1st day of August, A. D. 1911, and in the county of Charles Mix and State of South Dakota, Joseph F. Estes did then and there willfully, unlawfully, wickedly, and corruptly give to one David Jumping Thunder one \$5 bill, lawful money of the United States, and of the value of \$5, upon the express understanding and agreement that he, the said David Jumping Thunder, should give false testimony favorable to him, the said Joseph F. Estes, in a certain judicial proceeding about to be brought on for trial before the circuit court of the first judicial circuit within and for Charles Mix County, S. Dak., brought by the State of South Dakota in relation to one Mary Williams against the said Joseph F. Estes, defendant, in which judicial proceeding he, the said Joseph F. Estes, was charged with being the father of an illegitimate female child born to her, the said Mary Williams, who was then and there a single woman; he, the said Joseph F. Estes, then and there well known that he, the said David Jumping Thunder, would be called as a witness in said judicial proceeding, and that he, the said Joseph F. Estes, did then and there in the manner aforesaid commit the crime of giving a bribe to a witness about to be called in a judicial proceeding, upon an understanding and agreement that the testimony of said witness should be thereby influenced, with the unlawful and corrupt intent to influence the testimony of said witness thereby, contrary to the form of the statute of such case made and provided, and against the peace and dignity of the State of South Dakota, and asks that the said Joseph F. Estes may be arrested and dealt with according to law.

AMROSE B. BECK, *State's Attorney*.

Subscribed and sworn to before me this 3d day of October, A. D. 1913.

[SEAL.]

T. F. WARD, *Judge of the County Court*.

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

It appearing to me that the offense mentioned in the within information has been committed, and that there is sufficient cause to believe the within Joseph F. Estes guilty thereof, I order that he be held to the circuit court of Charles Mix County, S. Dak., to answer the same; and that he be admitted to bail in the sum of \$250 and be committed to the custody of the sheriff of said county until bail be furnished.

October 15, 1913.

T. F. WARD, *County Judge*.

OCTOBER 15, 1913.

The defendant is hereby admitted to bail in the sum of \$250 by the undertaking hereunto annexed.

T. F. WARD, *County Judge*.

October term, 1913. Information for bribing a witness. Before T. F. Ward, county judge.

STATE OF SOUTH DAKOTA,

County of Charles Mix, ss:

The State of South Dakota *v.* Joseph F. Estes, defendant. Information for bribing a witness.

Ambrose B. Beck, State's attorney of said county, being first duly sworn and examined on oath by the undersigned T. F. Ward, county judge of the county court in and for the county of Charles Mix and State of South Dakota, on his oath says:

That the crime of bribing a witness has been committed, and having accused Joseph F. Estes thereof and having filed a verified complaint as provided by law,

Issued a warrant for the arrest of Joseph F. Estes and placed the same in the hands of the sheriff of said county for service. Dated October 3, 1913.

T. F. WARD, *County Judge*.

Be it remembered that on the 15th day of October, 1913, the following proceedings were had:

The defendant being personally present, and his attorney, H. D. James, was also present representing him.

And the State appearing by G. M. Caster, acting for the State's attorney, the complaint was read to the defendant and he was advised of all of his statutory rights. Defendant demanded a hearing.

David Jumping Thunder, Joseph Nimrod, and J. F. Craig testified on the part of the State and rested, and the following named witnesses testified on the part of the defendant:

Alfred Bonnin, Henry Bonnin, George La Plant, L. V. Haskell, and Joseph F. Estes.

The case was argued by the respective counsel, and it appearing that the offense charged in the complaint had been committed; that there was sufficient cause to believe the defendant Joseph F. Estes is guilty thereof,

I order that he be held to answer the same.

The bail is hereby fixed at the sum of two hundred and fifty dollars, and such bail having been furnished and approved, he is discharged from custody.

T. F. WARD, *County Judge*.

STATE OF SOUTH DAKOTA.

County of Charles Mix, ss:

I, T. F. Ward, judge of the county court of the county of Charles Mix, State of South Dakota, do hereby certify that the foregoing instruments constitute a full, true, and complete transcript of all proceedings had before me and of the complaint filed in said court in that certain criminal action wherein the State of South Dakota was plaintiff and Joseph F. Estes was defendant.

In witness whereof I have hereunto set my hand and affixed the seal of said court this 22d day of October, 1913.

[SEAL.]

T. F. WARD, *County Judge*.

FEBRUARY 24, 1914.

MR. A. W. LEECH,

Yankton Sioux Agency, Greenwood, S. Dak.

DEAR MR. LEECH: I have your letter of February 17 accompanied by affidavits referred to therein. It will afford me pleasure to call the same to the attention of the commission at the earliest opportunity.

Yours, truly,

JOE T. ROBINSON, *Chairman*.

C. F. BOWMAN'S EXHIBIT A.

MARCH 10, 1914.

THE COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

DEAR MR. COMMISSIONER: Please furnish full information for the use of the Joint Commission to Investigate Indian Affairs as to whether in the fee patent issued to Charles F. Bowman, a Yankton Sioux Indian of South Dakota, and to Minnie F. Hopkins, any reservations were made in the patents, or whether instructions were given to A. W. Leech, superintendent of the Yankton Sioux Agency, to hold up the patent until a purchaser was procured, and whether the said A. W. Leech was authorized to require said patentees to deposit with him instruments relating to the deferred payments. If such instructions were given, please furnish the commission with a copy of same and also further information as to what authority of law was the basis of same. Your usual prompt attention to this will oblige,

Yours, truly,

JOE T. ROBINSON, *Chairman*.

C. F. BOWMAN'S EXHIBIT B.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

HON. JOE T. ROBINSON,

Chairman Joint Commission to Investigate Indian Affairs,

United States Senate,

Washington, March 17, 1914.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of your letter, dated March 10, 1914, regarding the applications of Charles F. Bowman

and Minnie F. Hopkins for patents in fee covering land on the Yankton Reservation in South Dakota. You ask whether there were any reservations made in the patents issued to these allottees and whether instructions were given to the superintendent of the Yankton agency to hold up the patent until a purchaser was procured, and if such instructions were given, that you be advised as to the law that authorized the giving of such instructions.

As to the application of Charles F. Bowman, you are advised that the records of this office show that in July, 1912, the allottee filed an application for a patent in fee, which was denied on August 6, 1912, as the office did not deem that he was sufficiently qualified to care for his own affairs.

On December 12, 1913, the allottee filed another application for a fee patent, covering 40 acres of his allotment, and with this application were filed letters from Dr. R. H. Townsley, of Wagner, S. Dak.; Dr. P. R. Pinard, of Wagner, S. Dak.; and Dr. L. H. Collier, agency physician, of Greenwood, S. Dak., to the effect that the allottee was unable to perform any kind of manual labor and that an operation was necessary for the repair of an ununited fracture of the ulna.

Supt. Leech reported as follows:

"I am submitting several statements from physicians, stating that Mr. Bowman needs an operation, and I am recommending him for a patent in fee in order that he can get the money and have this done, with the understanding that his patent is to be held in this office until the land is sold and then \$1,500 of the purchase price is to be deposited to his credit at this agency, subject to the supervision of the superintendent and Commissioner of Indian Affairs. Will not recommend it otherwise."

A copy of the letter recommending the approval of the application and a direction from the Secretary of the Interior to the Commissioner of the General Land Office to issue a fee patent in favor of Charles F. Bowman is inclosed for your information. You will note that this letter contains a paragraph which refers to the recommendation of the superintendent.

The fee patent contained no restrictive clause of any kind, but a copy of office letter recommending the issuance of the fee patent to Mr. Bowman was sent to Supt. Leech, and when the fee patent was received he held it at the agency in accordance with the letter approving the application.

Within the past few days Mr. Bowman visited the Indian Office and requested a patent in fee covering the remainder of his allotment, but a formal application has not been filed. In this connection your attention is invited to another letter from Supt. Leech, dated March 5, 1914, a copy of which is inclosed for your information.

The patent in fee to Charles F. Bowman was issued under the provisions of the act of May 8, 1906 (34 Stat. L., 182), which places the issuing of fee patents entirely in the discretion of the Secretary of the Interior. There is no specific law which would permit the holding of the fee patent at the agency office after its issuance, but in view of the circumstances connected with the case the office is of the opinion that it was good administration to do so.

As to the allotment of Minnie F. Hopkins, the records of this office do not show the name of Minnie F. Hopkins as an allottee on the Yankton Reservation. It is possible that her allotment was made under her Indian name, but the office is unable to identify the case from the information given. If further information can be given that will enable the office to identify the Hopkins case I will be pleased to furnish you with the information you desire.

Very truly, yours,

CATO SELLS, *Commissioner*.

C. F. BOWMAN'S EXHIBIT C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Washington, January 14, 1914.

The honorable the SECRETARY OF THE INTERIOR

(Through the Commissioner of the General Land Office).

SIR: Herewith are transmitted the papers in the matter of the application of Charles F. Bowman, Yankton allottee No. 1147, for a patent in fee covering a part of his allotment described as lot 1372, in township 95 north, range 63 west of the fifth principal meridian, in South Dakota, containing 40 acres.

The application is based on the act of May 8, 1906 (34 Stat. L., 182), and the regulations thereunder have been complied with.

It appears from the record in this case that the allottee is 24 years of age; that he is an Indian of one-fourth blood, and with the papers are letters from Drs. Townsley and Pinard, from which it appears that the allottee must have an operation performed. The superintendent reports:

"I am submitting statements from physicians stating that Mr. Bowman needs an operation, and I am recommending him for a patent in fee in order that he can get the money and have this done, with the understanding that his patent is to be held in this office until the land is sold, and then \$1,500 of the purchase price is to be deposited to his credit at this agency, subject to the supervision of the superintendent and Commissioner of Indian Affairs. Will not recommend it otherwise."

The record further shows that the land covered by this application is valued at about \$2,000. He will retain 40 acres of land in trust.

In view of the report of the superintendent, and with the understanding that the patent in fee will be held in the superintendent's office, as recommended in his report, it is respectfully recommended that the application of Charles F. Bowman be approved, and that the Commissioner of the General Land Office be directed to issue a patent in fee to him for the land described above, and that the issuance of this patent be made special. When issued it should be sent to this office for delivery.

Respectfully,

C. F. HAUBE,

Second Assistant Commissioner.

GENERAL LAND OFFICE,

Washington, D. C., January 30, 1914.

There are no reservations or withdrawals covering the land above described, and there are no reasons appearing in the records of the General Land Office why a patent in fee should not be issued as recommended.

C. M. BRUCE,

Assistant Commissioner.

JANUARY 31, 1914.

I find from the evidence submitted that Charles F. Bowman is competent to care for his own affairs in a degree that entitles him to a patent in fee covering the land described above, and I therefore direct the Commissioner of the General Land Office to issue a patent in fee to him for the land above described, and that the issuance of this patent be made special.

LEWIS C. LAYLIN,

Assistant Secretary.

YANKTON INDIAN SCHOOL,

Greenwood, S. Dak., March 5, 1914.

COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: Under date of August 6, 1912, the office denied the application of Charles F. Bowman, a mixed-blood Yankton Sioux Indian of this reservation, for a patent in fee covering his allotment No. 1147. About that time the applicant got into some difficulty over the forgery of some checks and was sent to the penitentiary. Not long ago he was released, and, having persuaded his mother to come to the office with him to renew his application for a patent to part of his land, the matter was talked over very thoroughly, and it was thought, in spite of the young man's misfortune, we might be able to induce him to make something out of himself, particularly as he manifested a very great disposition to want to go to work. The work proposition did not look good to me at the time, knowing his past record; but I felt that it might be well to give him a chance, and he and his mother agreed that if he were given a patent to part of his land, that the greater portion of the proceeds of the sale of it should be deposited with the superintendent under the supervision of the Indian Office.

With this understanding, and because of the fact that the young man had met with an accident in the past and had sustained a broken arm, which fracture had not been properly reduced, I recommended him for a patent for 40 acres of his land, with the distinct understanding that \$1,000 of the money derived from this, or so much thereof as was necessary, should be used by the young man in going to a hospital and having his arm properly operated on and the remainder of this sum should be used by him in improving or working the other 40 acres of his allotment.

If the office will consult my recommendation on this application, it will see the arrangement that was made at that time. However, when his patent arrived a few days ago, he at once arranged the sale of his land and the parties came to this office to make out the papers. As the purchaser did not have the full amount of the purchase price agreed upon, which was \$2,400, it was thought best to have \$1,000 paid down and a mortgage given for five years on the 40 acres for the other \$1,400 bearing 6 per cent interest, which arrangement was agreed to by all parties. Young Bowman was informed that this note and mortgage would be kept in the vault at this agency, where it could not be disposed of by him at the present time, which arrangement seemed satisfactory. I learn now, however, that just as soon as the papers were made out and he obtained \$1,000, that Joseph F. Estes persuaded him to go to Washington with him, where he would take up the matter with the department to have the remainder of this money turned over to him.

If this young fellow shows up at the office, I would appreciate it very much if he were given some good wholesome advice with the information that he had better come back home and try to make good his promise to the office here. Knowing him as I do, I regret very much that I recommended him at all for a patent in fee. In the light of what he has done since obtaining \$1,000 paid down on his land, he will probably not have a cent left by the time he comes back. I will not turn over this note and mortgage to him at the present time if there is any way to prevent it.

Very respectfully,

A. W. LEECH, *Superintendent.*

ESTES'S EXHIBIT E.

Hon. JOE T. ROBINSON,

Chairman of Joint Commission to Investigate Indian Affairs,

Washington, D. C.

MY DEAR SENATOR: I am a member of the Yankton Sioux Tribe of Indians, and my home is upon my allotment. It is well farmed and improved. I am independent of the agency control except so far as I am required to do business.

I wish to me the following charges against our superintendent, A. W. Leech:

When Mr. Joseph F. Estes made complaint something over a year ago about the agency affairs on the Yankton Reservation, before the House Committee on Indian Affairs, notice of its was, of course, brought to the attention of the Indian Office at Washington, D. C., and I was called by Mr. John Francis, jr., chief of the Education Division, who asked me for my views in regard to Mr. Estes's statements. I refused to make any comments concerning Mr. Estes's statements and told Mr. Francis at that time that he had better read Mr. Estes's statements over very carefully, which I presume he did.

I believe that Mr. Francis's chief reason for asking me about this was, because he thought I had the reputation at the Yankton Agency of being a man of peace and easy to get along with, and that I would not be apt to criticize the superintendent unnecessarily. As a result of this talk with Mr. Francis he requested me, if I found any Indians who were needy or suffering, that I should make an application through the agency office for sufficient money to meet their necessities or wire him to that effect, and he promised me that immediately upon receipt of any such notice he would recommend the payment of any sums of money that were necessary.

Upon my return home from Washington, D. C., to Yankton Reservation, I found an old blind man by the name of James K. Wells, a full-blood Indian, who had a very sick boy, about 21 years old, who was in the last stages of consumption. This old man's wife was in good health, but she was old and not able to do all that was necessary to be done for her son and husband under the circumstances.

Upon seeing the condition of these people and their needs, I went to the agency office and informed the financial clerk, Mr. Gesset, who was then in charge, telling what they needed and of the request I had received through Mr. Francis, of the Indian Office, at Washington. I asked on behalf of these old people—and told him that they had requested me to do so—that the superintendent be authorized to pay immediately \$100 in cash for food and medicine and the employment of a physician to attend to the sick son, and that there be an allowance made of the old woman's money of \$25 per month. The wife of this old man had on deposit with the superintendent at the time, about

\$3,000, and the old man had on deposit with the superintendent more than \$100 in cash, collected by the superintendent from leases on the land of this man, James K. Wells. This \$100 had been held there at the agency office for over one year. I personally know that the money was paid in, because I interpreted the contract of lease between the old man Wells and his reenter.

From the agency at this time I made a trip to the Pine Ridge Reservation and Cheyenne River Reservation and was gone about two months. On my return to the Yankton Agency I learned that this old man had received nothing, and that the boy had died, and that the family was in very needy circumstances, dependent upon their friends, relatives, and neighbors. I gave them something to assist them, as they were my neighbors. I then went to the agency to make inquiry about the allowance for which application had been made and found that the application had not been forwarded to the Indian Office at all by the superintendent or the clerk in charge of Yankton Agency. They based their excuse for not doing this upon the fact, as they claimed, that they had no printed forms of application papers. These people were for two months in the direst need, with blindness, sickness, hunger, and death, without the agency office force attempting to do anything for them and failing entirely to permit them to use their own money through all these necessities.

POOR OLD INDIAN WOMEN.

West of the Yankton Agency a half or three-quarters of a mile there are between 25 or 30 small houses about 10 by 12 feet in size and one story. These are occupied by old women, who are old and crippled and in many cases absolutely incapable, through sickness and physical defects, to take care of themselves. All or nearly all of them have money in the hands of the superintendent in charge of Yankton Agency, and they are required to live in these houses so that he (the superintendent) may conveniently for himself give them orders upon the stores at the agency amounting to from \$5 to \$25 per month. The orders are given upon stores at the agency where the prices for goods are higher than they are at the railroad towns, of which there are several on the Yankton Reservation proper.

Some of these old people do not get sufficient from the allowance of their money to keep them comfortably, and they suffer hunger and cold, and depend upon the assistance and attention of friends and relatives to care for them in their necessities.

This settlement should be abolished and the old people who are living there should be sent to their friends and relatives where they can receive proper care and attention, and if they have no relatives who are willing to care for them, then some person or family should be found upon whom they can rely, who could receive their allowance as compensation or part compensation for the care and attention given them.

Among the old people in this settlement is one Sarah Bull, who is so crippled in her feet and legs that she can not stand upright, and who goes about on crutches with a great deal of pain and difficulty, and that while living alone in one of these houses she is absolutely unable to care for herself, and that neither water, fuel, nor other necessities are convenient to this settlement. I saw her at the agency office waiting for money; she was in bad shape.

An old woman named Wear the Wind, about 70 years of age or more, while going home from the agency to her little house, fell into washout about 20 feet deep and broke her leg and otherwise injured herself internally, from the effects of which injuries she died a couple of days later. This system and settlement should be abolished.

I have recommended at large council meetings that this little settlement be abolished; that it was on Government land; and that I intended to report this condition when I came to Washington before the proper authorities here, and the Indians at Yankton have understood this to be my intention and at that time desired that I should make this complaint.

Another reason why this settlement should be abolished is because it is now a regular loafing place for the Indians. These buildings should be removed to the Indians' own allotments or to the allotments of their relatives, where they can be taken care of.

UNTRUTHFULNESS OF THE SUPERINTENDENT.

I made an application for the allotment for a deceased child, and the test of my right to have the allotment is in part dependent upon making a selection for

her during her life time, which I did. I find that in reference to my application the superintendent made an untruthful statement as the basis of his objection against my claim. In reporting against me to the Indian Office he stated:

"There is nothing on the tract book to show that any selection was made for Edna Grace Smith, and the Episcopal Church record here at this agency shows that Edna Grace Smith died March 21, 1889. It will thus be seen that the first selections of allotment made by Alfred Smith were not made until more than a month (39 days) had elapsed after the death of Edna Grace Smith."

The following certificate shows the above statement to be false:

"Edna Grace Smith died May 21, 1889. I certify that the above record is a correct copy of the record of the death of Edna Grace Smith recorded in the church register in Church of the Holy Fellowship, Greenwood, S. Dak.

"JOHN FLOCKHART,

"Missionary to the Yankton Sioux Episcopal Church.

"GREENWOOD, S. DAK., March 1, 1914."

I assert that there can be no other explanation in his false statement on my application and his false report as to the church record than that he willfully desired to injure me, and that he would and did as an official make false and untrue statements, and I believe with the deliberate and willful intention of injuring me and my claim.

THE INDIAN SCHOOL AT YANKTON.

I have sent my children to the Episcopal Select School at Sioux Falls, S. Dak., and public schools because the Yankton Agency School is not so conducted as to give the children proper care and attention and health or cleanliness, and that many of the children who have gone there in good health have come away afflicted with trachoma and have been dirty and lousy. Much of the eye trouble existing among the Yankton Sioux at this time has been brought to the families through the children who have attended the Government school.

I have myself observed that the Indian boys from the school, around the agency on Saturdays, were dirty and ragged and gave the appearance that they did not have proper care. Their shoes I noticed particularly in some instances were not fit to be worn.

LIQUOR.

The use of intoxicating liquors by the Yankton Sioux Indians is one of the most detrimental influences to the people. It brings to them all kinds of trouble. The bringing of liquor within the limits of the old Yankton Sioux Reservation is a violation of the Federal law and if the superintendent in charge of the agency would insist on a strict application of the law and the prosecution of the persons who violate it, it would be a great help to the Yankton Sioux people. The trouble is that the present superintendent prosecutes some of the Indians and permits others who are friendly to him to violate the law and escape without any prosecution. I personally know of one case in which there was a willful and admitted violation of the liquor law, where the superintendent has permitted the Indian to go unpunished and without any prosecution.

The facts in this case are that one Charley Campbell was arrested for bringing liquor on the Yankton Reservation and the matter was reported to the superintendent. The person who made the charge came to my house one morning and wished to telephone to the superintendent to have him send his policeman up there and arrest Charley Campbell. I refused to telephone down to the superintendent, but the woman who was present went down and made the report to the superintendent in person and took a bottle of whisky with her, and told him—the superintendent—and Charley Campbell was arrested and thrown into jail. On the same day the superintendent had several other cases of liquor violation similar to the Campbell case, and one of the parties hired a lawyer by the name of George Caster, who came down to the agency and defended them before the superintendent, and he released them. But this man Charley Campbell was still in jail, and as soon as the relatives of Campbell knew that George Caster had great influence with Leech, the superintendent, they were informed that if they hired Attorney Caster he would have Campbell released from the jail. They did so. One day shortly after

this I was at the agency and found this man Caster there, and he told me that he came down there to defend this man Campbell. But the superintendent had already made up his mind that he would proceed with the case of Campbell and had already determined to take him to Yankton, S. Dak., before the United States commissioner to be examined. I told Mr. Caster that I did not think the superintendent was doing the right thing by Campbell, because he had released the other Indians and kept him—Campbell—in the jail, and he was simply going to prosecute him just because he did not belong to the Yankton Sioux Tribe of Indians. I told Caster that I thought Leech was showing partiality to the other crowd. Mr. Caster then said he thought he could release Charley Campbell when the trial came before the court. Then Caster had the superintendent abandon his first idea of putting Charley Campbell in jail and ordered him released.

When the superintendent released Charley Campbell he told him to leave the reservation by the 1st of January, 1914, but at this time Campbell had already been two weeks in the jail before he was released through the efforts of this lawyer—Caster. This man Charley Campbell told me personally that he actually did bring the liquor on the reservation. This man Campbell was arrested on the charge of liquor violation on December 12, 1913, and was held in the jail for two weeks before he was released.

I want to further complain of Supt. A. W. Leech's political activity. He got the Yankton Sioux together and gave them a big feast and made them political speeches, advising them and asking them to vote a certain ticket and for certain candidates. I was present and saw and heard the whole affair. Mr. Leech wanted to be the leader politically among the Indians. When a banker at Wagner gave a feast for Senator Gamble, Mr. Leech gave a feast at the same time at the agency so as to head off the banker from Wagner. He did all he could to control the Indians.

Mr. Leech is profane in his language toward the Indians and all things which do not suit him. He uses bad language about the office and toward Indians and their business. He is very abusive toward them.

This man Leech has no sympathy for the Indians and will do nothing for them except as he is forced to do. I am sure he is incompetent and that no improvement among the Indians will come as long as A. W. Leech has charge.

Very respectfully,

ALFRED C. SMITH.

ESTES'S EXHIBIT E.

STATE OF SOUTH DAKOTA,

Charles Mix County, ss:

Charles F. Pratt, being first duly sworn, upon his oath deposes and says: I am of lawful age, a farmer and a resident near the Greenwood Agency, S. Dak. I reside upon land deeded to me but within what was formerly the Yankton Indian Reservation. I have many Indian neighbors and do some business with them. I go to the Yankton Agency frequently and know many of the people there, including the employees. I have from time to time leased Indian lands or allotments.

I was called to the agency office some time ago to meet an inspector of the Indian Service. I think his name was Flanders. Roy Bailey and Elmer Eddy were there at the same time. I was asked about some beer that was brought to my place. There seemed a desire to have me say that it belonged to Joseph F. Estes. It did not. Roy Bailey and I made an election bet of a barrel of bottled beer; I won and Bailey brought me the beer to my place. He came with it in the auto belonging to Joseph F. Estes. It was intended that the beer should be drunk upon my premises. I so intended.

I told the inspector that Joseph F. Estes had taken two bottles of beer and put them in his pocket, but I do not know that he carried it off with him. I do know that Roy Bailey took a large number of bottles with him. As he had furnished the beer and knew what he was doing I did not object.

Elmer Eddy and Roy Bailey told what we had to say and it was taken down by a lady stenographer, and we were told to return in about an hour. We did so. When I got back to the office the paper was laid on the table and I was shown where to sign. I did not read it and it was not read to me. I signed it. Mr. Leech was not present, and I did not swear to before him nor any other person. I was not sworn when I made the statement, and I did not at time swear to it.

Roy Bailey was asked about his relation with Mr. Leech in the butcher shop or butcher business, and after he talked with Mr. Flanders he was told by Mr. Flanders just what to say and how to say it.

I was called as a witness before the Federal grand jury at Sioux Falls, S. Dak. I was approached by a man named Tom Ellroid who wanted me to say that Joseph F. Estes had taken a large number of bottles from my place when he left. He told me that it had been fixed by Supt. Leech and Roy Bailey to show that Joseph F. Estes had taken a large number of bottles of beer from my place to the agency. He only took two bottles and I do not know that he took them away from my place. Roy Bailey said the same thing to me and further promised that Supt. Leech would give me immunity and see that the United States attorney did not get after me. He tried to induce me to tell that kind of a story to the grand jury. I refused because it was not true.

It is the general impression that Roy Bailey and Mr. Leech are in partnership in the butcher business. Roy Bailey told me that Mr. Leech would not let any other person run a shop while he was there. I have heard that Mr. Leech objected to other persons selling fresh meat. Bailey also told me that Mr. Leech had asked the Indian Office for authority to prohibit other traders selling fresh beef. I believe they are in partnership in the business. Roy Bailey sells the beef to the school, to all the Indians who receive orders from the office, and know that beef has been delivered from his shop to the school.

He has killed some bulls which have gone over the block in his shop. Roy Bailey has told me that the superintendent, Mr. Leech, would extend to him everything he could in maintaining an exclusive butcher business. It seems to that he has done so.

CHARLES F. PRATT.

Signed and sworn to before me at Wheeler, this 12th day of September, 1913, by Charles F. Pratt, who at the time of swearing declared that he read the foregoing and that it was true.

[SEAL.]

W. E. Exon, *Notary Public*.

ESTES'S EXHIBIT F.

STATE OF SOUTH DAKOTA.

County of Charles Mix, ss:

Agnes Draffin, being first duly sworn, deposes and says that at the present time she resides in Charles Mix County, S. Dak., and her post-office address is Wagner, S. Dak.; that for a long time prior to April 13, 1913, your affiant and her husband, James Draffin, now deceased, were employed in the Indian Service at Yankton Indian Agency, S. Dak.; the said James Draffin, husband of your affiant, being employed as a general mechanic and your affiant as laundress in the Indian school at said agency; that your affiant and her said husband held said positions up to and until the first part of April, 1913.

That during the latter part of the month of March, 1913, the husband of your affiant was taken with a severe illness, and went to Yankton for medical treatment; that your affiant accompanied her husband to Yankton, S. Dak., and remained with him there one day; that your affiant was informed by A. W. Leech, superintendent at said agency, that she would not be granted a leave of absence, and that it would be necessary for her to return to said school and perform her duties there; that your affiant returned to said Yankton Agency, and upon her return to said agency she was informed by said Leech that affiant and her husband had been transferred to San Juan, N. Mex., and that it would be necessary for your affiant and her husband to immediately move to said place, and that if they did not do so they would lose their position in the service; that at said time your affiant advised the said Leech of the physical condition of her husband, but that regardless thereof said Leech instructed your affiant to immediately notify her husband to return to said Yankton Agency and proceed to move to New Mexico; that your affiant advised her said husband at once of what said Leech had informed her, and that the said husband of your affiant, against the advice of his physician, at once returned to Greenwood, S. Dak.; that after returning to said agency the husband of your affiant, the said James Draffin, was taken so seriously ill that it was necessary for him to immediately go to Wagner, S. Dak., for medical treatment; that said James Draffin remained at Wagner about one week, after which he died at the home of Mrs. Analla, near Wagner, on April 13, 1913.

That up to and within a day or two prior to the death of said James Draffin the said A. W. Leech insisted to your affiant that said Draffin was not seriously sick; that your affiant and her husband should at once remove to New Mexico or they would lose their positions, carrying the impression that the husband of your affiant was not seriously ill, but was pretending that he was ill.

That said Leech could have ascertained the true physical condition of said James Draffin at any time had he made any attempt so to do, but that, on the contrary, he simply assumed that said Draffin was not sick and harassed said Draffin and your affiant up to and until the day of the death of said Draffin.

Your affiant would further state that had it not been for the reason that said Leech insisted that said Draffin would at once return from Yankton, that said Draffin would have remained at Yankton, where he could receive proper medical care for his sickness; that his attempt to return home and prepare to remove to Mexico brought on a relapse of his trouble; and that the exposure in making said trip back to said agency and lack of medical treatment resulted in the death of said James Draffin; that said Leech acted toward said Draffin and your affiant in a most brutal manner, contending, as hereinbefore stated, up to and until the time of the death of the husband of your affiant that the said husband of your affiant was not seriously ill.

AGNES DRAFFIN.

Subscribed and sworn to before me this 19th day of August, 1913.

[SEAL.]

H. D. JAMES,
Notary Public, South Dakota.

STATE OF SOUTH DAKOTA.

County of Charles Mix:

Naomie Ree Thunderhorse, being first duly and solemnly sworn, on her oath deposes and says that she is the lawful wife of one Charley Thunderhorse; that she is 20 years old; and that she is a member of the Yankton Tribe of Sioux Indians, and has been all her lifetime; that she was lawfully married to the said Charley Thunderhorse September 15, 1913, at Armour, S. Dak.; and that a day or two after she and said Charley Thunderhorse were married Policemen Joe Nimrod and Baptiste St. Cloud arrested them and locked them up at the Yankton Agency (S. Dak.) jail, and have been kept locked up ever since; that no charge was filed against them, nor any hearing given them; that during your affiant's incarceration in said jail she has been insulted by the said Joe Nimrod more than three times, and made overtures to her by making indecent proposals to her; and that each time she reported the said proposals to her husband Charley Thunderhorse. Affiant further upon her oath deposes and says that she made this affidavit upon her own free will and accord.

Further affiant saith not.

NAOMIE THUNDERHORSE.,

Subscribed and sworn to before me this 27th day of September, 1913.

[SEAL.]

JOSEPH F. ESTES, *Notary Public.*

35601—PT 5—14—8

BLACKFEET INDIAN RESERVATION
SERIAL ONE

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE
CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS

SECOND SESSION

TO

INVESTIGATE INDIAN AFFAIRS

FEBRUARY 21-MARCH 25, 1914

PART 6

Printed for the use of the Joint Commission



WASHINGTON
GOVERNMENT PRINTING OFFICE

1914

CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.

HARRY LANE, Oregon.

CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEPHENS, Texas.

CHARLES D. CARTER, Oklahoma.

CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.

ROSS WILLIAMS, Arkansas, *Clerk*.

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BLACKFEET INDIAN RESERVATION.

SATURDAY, FEBRUARY 21, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The commission, having been in session since 2 o'clock p. m. on other matters, now proceeded to hear witnesses on Blackfeet matters.

The following members were present: Senator Joe T. Robinson (chairman), Senator Harry Lane, Senator Charles E. Townsend, and Representatives John H. Stephens and Charles D. Carter.

The CHAIRMAN. Some time ago, when the commission was in the field making some investigations, Mr. Robert Hamilton, of the Blackfeet Tribe of Indians, interviewed the commission at Spokane, Wash., stating that there were some matters he would like to call to the attention of the commission, representing his tribe. He was informed that the commission would be very glad to receive any information that he desired to submit. Since that time a considerable quantity of information has been furnished the commission through Mr. Hamilton. He is in the city purporting to representing the Blackfeet Tribe.

In this connection, Mr. Hamilton, I take the liberty of calling your attention to a telegram which I have received, signed by Wolfetail, chairman Blackfeet tribal council, protesting against your authority to represent that tribe. I do not know whether your attention has been heretofore called to that telegram or not. Both the telegram and the letter will be inserted in the record.

Mr. Hamilton is present, and we will be very glad to hear his statement.

(The telegram and letter referred to by the chairman are as follows:)

BROWNING, MONT., *February 13, 1914.*

Hon. J. T. ROBINSON,

United States Senate, Washington, D. C.:

Tribe protests that R. J. Hamilton be recognized as a representative of the Blackfeet Indians. Anything submitted by him purporting that he is such is fictitious and false, and the result of misrepresentation to the people. He is acting without proper authority from the tribe.

WOLFTAIL,
Chairman Blackfoot Tribal Council.

BUREAU OF CATHOLIC INDIAN MISSIONS,
Washington, D. C., February 17, 1914.

Hon. JOE T. ROBINSON,

Chairman Joint Committee to Investigate Indian Affairs.

DEAR SENATOR: The bearer of this letter, Mr. Hamilton, has been recommended to me by a friend of mine, whose judgment I think I can trust, as a

man who has been "laboring earnestly for the betterment of his tribe," and as "a man of intelligence and sincerity."

I believe you should at least give ear to what he has to say and carefully investigate his report.

Very sincerely, yours,

WM. H. KETCHAM.

TESTIMONY OF ROBERT J. HAMILTON, DELEGATE AND MEMBER OF THE BLACKFEET TRIBE.

The witness was duly sworn by the chairman.

Mr. HAMILTON. Mr. Chairman and gentlemen of the commission, I am a mixed-blood member of the Blackfeet Tribe of Indians, and a resident and allottee, the allotment not yet approved, on the Blackfeet Reservation, Mont. I was one of the duly elected delegates chosen by the tribe to represent them at Washington for the year 1913, and when the delegates desired to go home I was elected, in accordance with the direction of the tribe, at the time of our election to remain and look after pending and unfinished business. I did so. I was duly recognized by the Indian Office as such a delegate, and was elected by the then Acting Commissioner of Indian Affairs to take charge of the Blackfeet Indians at Carlisle School commencement exercises; that I was duly recognized as a delegate by the committee of Congress and the congressional delegation from my State; that I gave my full time and best efforts to the work of trying to secure legislation the tribe desired and such official action as they thought best for their welfare; that my expenses were paid in part, and although the tribe desired that I be paid in full it was not, and I was put to the humiliation of leaving an unpaid board bill.

I am now informed that the chiefs were told by Superintendent Arthur E. McFatrige that I had used the money for automobile rides and in improper relations with bad women; that the said Arthur E. McFatrige willfully, falsely, wrongfully, and maliciously published such slander for the purpose of discrediting me with my people, the Blackfeet Tribe of Indians, the Indian Office, and the Congress of the United States. I urgently request a thorough investigation of my conduct, the expenditure of all tribal moneys by me, and the slander published by said Arthur E. McFatrige about and concerning me, and that I be given such relief and exoneration as may be just and proper in the premises.

As showing that I was a duly recognized and accredited delegate of the Blackfeet Tribe, I quote from a letter of the Acting Commissioner of Indian Affairs, F. H. Abbott, as follows:

Land contracts 31390—1913. W. M. W. delegation answer:

ROBERT J. HAMILTON, MOUNTAIN CHIEF, CURLY BEAR, LITTLE DOG, RICHARD SANDERVILLE,

*Blackfeet Delegation, Washington, D. C. * * **

MY FRIENDS: * * *

7. Delegation expenses.—As it appears, your delegation was properly authorized by the Indians of the reservation; the delegates will be entitled to have their expenses paid out of the tribal funds. Accordingly, you should, as soon as you return home, have the superintendent submit to the office an itemized statement of the expenses for the trip. * * *

F. H. ABBOTT, *Acting Commissioner.*

That later a request was signed by a majority of the tribe asking that my expenses be paid and sent to the Secretary of the Interior, as follows:

BROWNING, MONT., *July 7, 1913.*

To the honorable the SECRETARY OF THE INTERIOR:

In view of the many reports being circulated on this reservation that certain parties here have endeavored to discredit our delegate in Washington, Mr. Robert Hamilton, with your department, we, the undersigned Indians of the Blackfeet Tribe, respectfully request that you pay no attention to any reports concerning Mr. Hamilton. We have the utmost faith in his efforts for our welfare and look to him as a medium through whom we may be able to reach proper officials in Washington in the transaction of our business. We also recommend that all his necessary expenses while in Washington, as well as his traveling expenses from here to Washington and return, be paid out of the tribal funds.

(Signed by 123 adult members of the tribe.)

Respectfully submitted.

JOHN HUNTSBERGER.

The foregoing is offered for consideration because of my anticipation and expectation that Supt. McFatrige will report against my election as a delegate and endeavor, falsely, to assert that I am not a delegate; and further, because after I was duly elected as a delegate and had started for Washington, D. C., after authorization by the honorable Commissioner of Indian Affairs, and had proceeded in accordance therewith, to and at a point out of the reservation and beyond the jurisdiction of the superintendent, said Arthur E. McFatrige had me arrested and returned to the reservation; that I and Oliver Sanderville, Wolf Plume, and Young Man Chief were arrested upon the telegraphic order of Arthur E. McFatrige, at Cut Bank, a railroad town off the Blackfeet Reservation. We were arrested by Deputy Sheriff Richards, of Teton County, Mont., and he was assisted by an agency employee, Joseph W. Brown; that this occurred on the night of the 30th of January, 1914; that Sheriff Richards stopped us and told us that we could not go any farther and held us there that night. The next morning McFatrige, with Indian police, took the chiefs, Wolf Plume and Young Man Chief, back to the agency, where he held them in custody in the agency building and under the guard of Indian police. That Oliver Sanderville and I were left to the deputy sheriff, who did not bother us any further.

That before this arrest on the 28th day of January, 1914, Oliver Sanderville, Young Man Chief, and Wolf Plume and I were at the depot at Browning, Mont., which is on the reservation, ready to take the train when a policeman came and told us we could not go. We refused to obey him, and he called McFatrige upon the phone. Then another policeman came and told us we could not go, that we were under arrest. I then stepped to the phone and asked McFatrige what he meant, and if we were under arrest by the policemen that he had sent. He said we were. We were held at the office by the said McFatrige and his police until after the train had gone. We were held there about three hours. He told us then repeatedly, "You fellows can't go; I won't let you go."

I wish to say at this time that Wolf Plume was at one time wealthy; that he had over 200 head of cattle and many horses; that he had money when he was ready to come down here and had been elected a delegate to come; that he has given to poor, starving Indians of his

tribe all of his cattle except 35 head; he has provided many with credit at the stores to meet their necessities. He wished to come to Washington to tell of the condition of his people, how poor they were, and what their necessities were, and how he would, in a short time, be poor also if his people were not given an opportunity to do something. This man has given of his means for the care of his people, and wished at his own expense to tell the Commissioner of Indian Affairs and the Joint Commission of Congress what their condition was. Wolf Plume will tell this commission, the Commissioner of Indian Affairs, the President, that his people are getting worse off each year and have been ever since McFatridge became superintendent in charge of the Blackfeet Reservation; that he is mean, untruthful, immoral, dishonest, and brutal; and that he does not wish any Indians who are independent of him to come to Washington.

Young Man Chief is about 50 years of age, and he has a number of horses and cattle; that it was not necessary for him to dispose of any property to get funds for his trip to Washington, and he represented enough people so that he could have had his expenses paid in full. He, with Wolf Plume, was chosen by the tribe to present to proper authorities their view of the condition of the people and make some suggestion for their welfare. The large membership of the tribe that voted them the authority should have the consideration of the higher officials, and if they can not tell the story, then they are denied the only means of first-hand information. They are denied the right to confer with the head of the Indian Office.

Oliver Sanderville is well to do, being the owner of both horses and cattle. He is a well-to-do, capable man, and a credit to the community. His brother, Richard Sanderville, who came to Washington last year with McFatridge, has nothing only his wages as he earns them from month to month by agency employment. He, however, is under the direct control of the superintendent. He has no independence, ability, or means.

I believe, from careful observation and computation, that the Blackfeet Tribe of Indians have only one-fourth of the cattle and horses they had when McFatridge became superintendent in charge of the Blackfeet Agency.

I have filed with the Indian Office a copy of the minutes of the council, showing their action concerning the election of delegates, and resolutions. The council met after notice and several adjournments, and there were 200 persons, Indian members of the tribe, present. A full representation. This council selected five delegates—R. J. Hamilton, Oliver Sanderville, Wolf Plume, Young Man Chief, and Black Weasel. The last-named delegate did not attempt to go, because the money belonging to him was held by Supt. McFatridge, who refused to pay it. This money, I was told, was paid by the Great Northern Railway for killing a couple of horses.

To make a proper showing, and in the belief that McFatridge would not make an honest report, we had petitions signed, and there are now on file with the Indian Office about 300 signers of the Blackfeet Tribe appointing us delegates to Washington. We are of the belief that the said Arthur E. McFatridge, as superintendent in charge of the Blackfeet Reservation, desires to keep away from Washington any Indians who will complain of his administration,

and that he uses his influence, position, and power as superintendent to dominate the people and to prevent the full knowledge of our affairs reaching the Commissioner of Indian Affairs, Congress, and the people at large. We are so situated by mountain, climate, and location, on the border line next to Canada, that we can not readily reach the outside world. Mr. McFatridge has also been able to have those Indians who are subject to his influence meet the inspectors who come to the reservation, and to keep away those who would tell what they know. There are also many Indians who fear him. Through his police force and jail, which he uses on the slightest pretext, he is able to control through fear those who would otherwise complain.

There are many things of which to complain and which only a thorough investigation will disclose. But there are general conditions which are plain, and of such a nature that no people should be required to suffer them, and a complaint should cause some effort for reform. These I wish first to call to your attention.

The only vegetables that can be raised upon the Blackfeet Reservation for food are the hardy root vegetables upon the more-favored plats of ground, having sufficient soil and moisture. The distance north and the altitude are killing upon early and late vegetation. The season is short. The altitude is over 5,000 feet. The glaciers near by so affect the atmosphere that there is frost every month in the year. Grazing is the only sure use to which the land can be subjected, although in the more-favored parts of the reservation oats and wheat and some vegetables can be raised. There are about 125 Indian families who have neither horses nor cattle and who have to live on the proceeds of labor or on the charity of their friends and relatives. These people are rapidly reducing the means of those upon whom they are dependent and making their own condition worse. There is no work of any kind to be done on the reservation until the 1st of May, and the severe cold and bleak country cause much suffering. A few years ago I had 80 head of cattle. Many of them have been eaten by the hungry Indians of my tribe, and others I have sold to help myself and other needy people. Some of the Indians who had horses which they used on ditch work have sold them during the winter when their necessities crowded them. Some who had cattle traded cattle for horses, and when during the winter they sold the horses for food they then had nothing. That process has gone on until it has reduced many to the utmost want. With hunger have come suffering and sickness. Many Indians have died because they did not have sufficient food to nourish them back to strength during and after their sickness.

Just before I left the reservation Mrs. Victoria Kicking Woman died. She had tuberculosis, and she was at the time about 30 years of age. Her husband was almost blind from trachoma and sick most likely with the same disease as was his wife. They asked for rations during her last illness, but did not get any. The husband was unable to bury the body, and it lay in the church a week or more and was then taken to the burial ground, where the coffin lay for a week or more on the ground. The superintendent was asked to have the grave dug, but he said, "You ought to have guts enough to bury your own dead." At the time he had a large number of laborers under pay, and a number of Indian prisoners who were kept busy

sawing and cutting wood to keep the agency employees warm. The priest made a collection and paid for the burial. This, it seems to me, shows the condition of the people, the disposition of Supt. A. E. McFatridge, and the earnest manner in which he looks after them. I believe that there are Blackfeet Indians who would rather die than to make a request of Arthur E. McFatridge for anything. The cold this winter has been evidenced by 40° below zero. I have with me a monthly ration given to one person of the Blackfeet Tribe, and it is the ration which the superintendent reports is issued to help the poor and needy through the winter weather. It is issued once a month, although it frequently fails for a month. It consists of about 1,500 navy beans, this is the agreed number from frequent counting, one-fourth of a pound of salt, 1 pound of sugar, 1 pound of coffee, and a half a pound of tea. Meat is issued weekly, when they have it, in an amount said to be about one-half a pound per day. They frequently fail to have the meat. There is much sickness among the Indians and the doctors do not respond to calls by the Indians.

They have been dilatory and indifferent to such an extent that the project engineer, C. J. Moody, complained to the superintendent, A. E. McFatridge. This, too, was during the summer while the Indians were working on the ditches and could be readily reached. It is worse in the winter. A signed statement of Dr. Gleason has been filed. It seems when Mr. Moody could not get the agency physicians to act for the Indians he got the reclamation physician to attend the Indians. The calls for the physicians were made to the agency, and had the superintendent looked after the welfare of the Indians the physicians would have attended them.

It is reputed that the superintendent, A. E. McFatridge, has immoral relations with Indian women under his charge.

The school at Cut Bank, known as the Cut Bank Boarding School, is reported to be in bad condition. The police are kept busy arresting and taking back to the school the runaway children. The children complain that they are hungry; that they do not get enough to eat, and are cold because of not having enough clothing. This complaint is so general that I deemed it best to have the commission interview the children and their parents, who will give ample evidence of the conditions being very bad. A general complaint is that the children are dirty and lousy. I personally know of my brother-in-law's daughter who came home with the same clothing she wore to school, and very lousy—her hair being full of nits.

The allotment lists were completed in 1912, but have no been approved. Many of the lands selected by the Indians for allotment are the lands upon which they have lived for years and upon which they have some little improvements. The failure to approve the allotments makes much trouble and uncertainty for the Indians in their working, use, and control of their lands. Cattle and sheep men trespass upon their lands and they are without redress. Complaints to the superintendent bring no relief. One man who got after trespassers and threatened them showed a receipt signed by Arthur E. McFatridge, superintendent, but the Indian got nothing. The present uncertain condition prevents the Indian allottee getting the use and benefit of his land and retards development. The allotments should be approved and the surplus stocked with cattle and horses or

leased. Formerly the reservation was fenced, and we are now paying men as fence riders when there is no fence. There are many trespassing cattle on the reservation that pay nothing to the Indians for grazing privileges, but the Indians who have a few cattle have to pay a tax to the superintendent in charge. They are charged \$1.50 per head for cattle and \$2 per head for horses. Even where the Indians pasture their cattle upon their own allotments they have to pay a grazing tax. The superintendent is more certain to collect from the Indians than he is to collect from the white men who are trespassers. In fact, it looks as though the white man, in many instances, was the beneficiary of the reservation rather than the Indian. This use of the land is one which the tribe wish considered by the department and the commission, and we should have a full, fair, and open opportunity to present our complaints and to suggest remedies.

There seems to be, and is, a certain unfairness in always prosecuting the Indians for having liquor on the reservation, but always letting the white man bootlegger go. This is the practice of the superintendent.

Indians of the Blackfeet tribe are arrested upon the verbal orders of Supt. Arthur E. McFatridge and are imprisoned without the filing of any complaint, issuance of warrant or writ, and without any hearing. He takes money for fines without hearings and holds up the money of Indians which comes into his control without their consent, and this power is exercised in a mean, brutal, and inconsiderate manner. His language when he is angry is coarse, vulgar, and profane. He is of a vindictive nature, of violent temper, and not moderated by any kindly impulse.

The store at Blackfoot Station is maintained under the name of the Blackfoot Mercantile Co. Leslie McFatridge, son of the superintendent in charge of the Blackfeet Agency, is a clerk and often in charge of the store. It is reputed that the superintendent is interested in this store. His son has access to the agency books and records, which give the inside information as to whom of the Indians have money available for trade of any kind and the opportunity to sell to him as well as to induce him to purchase needlessly. That, with the opportunity of knowing when the money is to be paid, gives him an advantage over all other traders and places the Indians at the mercy of such a trader. This son spends the day at the store and returns to the agency at night. The agency or Government team is used for his convenience. When the roads are good the superintendent drives him back and forth in the agency or Government automobile. This store seems to be doing a good business and, although 6 miles from the agency, does as much, if not more, business than the agency stores.

A large steam plow was purchased for the Blackfeet Indians with tribal money. It has been running two seasons and not one full Indian has had the use of this plow. White men have used it, and they claim that they have paid the superintendent for it. This plow, if used for the benefit of the Indians, would have helped several communities to plant oats and potatoes and other vegetables that would have helped them with food during the winter season. Several camps would have planted and cared for crops of various

kinds had they had the sod broken. There was tribal money with which to purchase the plow and plenty to run it, had there been a disposition on the part of the superintendent to help the Indians. It seems only to have been used to benefit white men and the superintendent. The real purpose for which it was purchased—the Indian—never seems to have moved the superintendent. Frequent requests by Indians met with no results, and no benefit to the Indian has resulted. The use of this plow in the manner it has been used is a shame and a disgrace, because the needy full blood for whom it was purchased got nothing from it, while the well-to-do white men, who married into the tribe, had the use of it.

The CHAIRMAN. Mr. Hamilton, do you know Wolf Tail?

Mr. HAMILTON. Yes, sir.

The CHAIRMAN. Is he the chairman of the Blackfeet Tribal Council?

Mr. HAMILTON. Yes, sir.

The CHAIRMAN. You reside on the reservation?

Mr. HAMILTON. Yes, sir; I do.

The CHAIRMAN. What is approximately the number of Indians on that reservation?

Mr. HAMILTON. Twenty-seven hundred.

The CHAIRMAN. What business do most of them engage in, if any?

Mr. HAMILTON. Live stock.

The CHAIRMAN. Do you know the total number or approximately the total number of cattle owned by the Indians on the reservation?

Mr. HAMILTON. About 20,000 all told—cattle and horses.

The CHAIRMAN. What proportion of them are cattle and what horses?

Mr. HAMILTON. There are more horses than cattle.

The CHAIRMAN. Do all of the Indians who run cattle on ranges pay grazing tax?

Mr. HAMILTON. Well, most of them come to me and complain, and they show me their notices.

The CHAIRMAN. What I was trying to find out was if you know whether the superintendent exacts a tax from all of them or claims a tax from all of them. Do you know how that is?

Mr. HAMILTON. He claims he has authority. Let me explain, Senator, in connection with this grazing-tax business, that after the reservation was fenced a delegation came down here and fixed the rate of the grazing tax. They were to tax all over 100 head, and there was protest made against that, so they changed the taxation from that condition to all cattle which did not bear the I. D. Brand would be taxed.

The CHAIRMAN. Why that distinction?

Mr. HAMILTON. That is what we want to know. We have never been able to find out up to this time.

The CHAIRMAN. What is the I. D. Brand?

Mr. HAMILTON. That is the Indian Department Brand.

Senator LANE. Do you own any cattle?

Mr. HAMILTON. I did own cattle; I do not own any now.

Senator LANE. Are you paying any grazing tax?

Mr. HAMILTON. I pay on one cow that was sold to me by a white man, which did not have the I. D. brand, and I pay the grazing tax on that cow.

The CHAIRMAN. How many cattle are owned by the Indian Department on that reservation?

Mr. HAMILTON. A great deal less now, under the protection of the I. D.

The CHAIRMAN. I notice you say that the number of cattle on the reservation now is far less than it was when the present superintendent went there. I want to know how you know that to be true. What facts do you base that statement on?

Mr. HAMILTON. I base this statement on my observation, the number of Indians who had cattle four years ago and who have not got a hoof now; most of them have just got a team to get along with.

The CHAIRMAN. How long has Mr. McFtridge been superintendent of the reservation?

Mr. HAMILTON. Four years next April.

The CHAIRMAN. Has he Government farmers to assist in his work?

Mr. HAMILTON. They had what they called "district" farmers.

The CHAIRMAN. How many?

Mr. HAMILTON. They had four.

The CHAIRMAN. Are there any there now?

Mr. HAMILTON. No, sir.

The CHAIRMAN. What area of land on that reservation is in cultivation, if any, or is any of it susceptible of cultivation?

Mr. HAMILTON. There are about 35,000 acres of irrigable land allotted to the Indians, and there are about 3,000 acres all told that are broken and actually in cultivation.

The CHAIRMAN. Do you know what the total area of the reservation is, Mr. Hamilton?

Mr. HAMILTON. The reservation is 55 miles square, and there are 57,000 acres of surplus land.

Senator TOWNSEND. That is tribal lands, you mean?

Mr. HAMILTON. Tribal lands.

Senator TOWNSEND. That is what you mean by "surplus"?

Mr. HAMILTON. Yes, sir.

The CHAIRMAN. You have produced here before the joint commission what you say is a weekly ration, which was allowed these Indians, or apportioned to those Indians. Bring that up here.

(At this point Mr. Hamilton produced and exhibited before the commission certain cloth sacks containing rations.)

Senator LANE. Are those weekly rations?

Mr. HAMILTON. Monthly rations, issued to the blind and infirm.

The CHAIRMAN. You do not mean to say that this [indicating the sacks produced by Mr. Hamilton] is all that is supplied to an individual Indian on that reservation as a ration for the entire month?

Mr. HAMILTON. Yes, sir; Senator, that is what I mean.

Senator LANE. That is for people who are helpless or in very bad health?

Mr. HAMILTON. Helpless, sick, and indigent.

The CHAIRMAN. Do you know of your own knowledge whether this is the legal ration provided by the department? Have you looked into that to find out?

Mr. HAMILTON. I did not have the access to the records, Senator, to find out. That is the allowance there.

The CHAIRMAN. Where did you get this?

Mr. HAMILTON. I got them from Joe Wall, just as they were issued to him. I had asked him before, and he told me that is what they call "fancy" rations, that stuff. He said they were going to draw "fancy rations next Friday," and I told him, "Would you bring it over to me? I want to use them as samples." He said he would; and he did so, just as he drew them from the commissary.

The CHAIRMAN. Do you mean to say there are different kinds of rations issued—fancy and ordinary—and that this is the monthly ration?

Mr. HAMILTON. This is the monthly ration, and the beef and flour are supposed to come weekly.

The CHAIRMAN. What amount of beef and flour is issued weekly?

Mr. HAMILTON. A pound per day.

Senator LANE. A pound a day each of beef?

Mr. HAMILTON. A pound.

Senator LANE. For each sick person, or everybody?

Mr. HAMILTON. No; not for everybody. This only refers to the infirm and the blind.

Representative STEPHENS. You say there are 1,500 beans a month?

Mr. HAMILTON. That is what they tell me. They count them.

Representative STEPHENS. That would be 75 a day and 25 a meal?

Mr. HAMILTON. Just about.

Senator LANE. How many indigent Indians are there on the reservation?

Mr. HAMILTON. I was told by the butcher who issued those rations that he had about a hundred tickets.

Senator LANE. Is there much tuberculosis there?

Mr. HAMILTON. Yes, sir.

Senator LANE. And how about trachoma?

Mr. HAMILTON. There is a good deal of it.

Senator LANE. What is the percentage? Do you know?

Mr. HAMILTON. I could not give you an estimate; but there was a doctor sent out from the department—from the Marine Corps—and he took charge of that case and doctored a good many of them. He did that for two months.

Senator LANE. How long ago was that?

Mr. HAMILTON. That was during August and September.

Senator LANE. What is the condition out there now as to suffering and hunger and things of that sort?

Mr. HAMILTON. Very bad, Senator.

Senator LANE. You think it is?

Mr. HAMILTON. Yes, sir.

Senator LANE. How are they housed? Do they live in tepees, any of them?

Mr. HAMILTON. No, sir; they live in houses. There are a few living in tepees—Chippewa Cree Indians.

Senator LANE. You have some Crees there?

Mr. HAMILTON. Yes, Senator; supposed to be Chippewas.

Senator LANE. What are they doing up there?

Mr. HAMILTON. They allotted some of them out there.

Senator LANE. On allotments?

Mr. HAMILTON. Yes; and they won't stay. They have lots of trouble. A great many of them are down at Great Falls wintering

down there on the charity of the people, and they shipped some supplies to them from the Indian Department.

Representative STEPHENS. I will ask you where you were during the winter of 1913, covering the time about the inauguration?

Mr. HAMILTON. I was here, Mr. Stephens.

Representative STEPHENS. Where did you stop that winter—at what place?

Mr. HAMILTON. At Mrs. Church's.

Representative STEPHENS. Were you about the National Hotel in this city?

Mr. HAMILTON. For part of the time I was at the National.

Representative STEPHENS. Were you there in the evenings, and did you see McFatridge there?

Mr. HAMILTON. Yes, sir.

Representative STEPHENS. At any time?

Mr. HAMILTON. Yes, sir.

Representative STEPHENS. Can you state to us whether or not you saw him patronizing the saloon; and if so, about how often?

Mr. HAMILTON. I saw him two or three times come out of there.

Representative STEPHENS. What was his condition?

Mr. HAMILTON. He was intoxicated.

Representative STEPHENS. What were his actions and conduct?

Mr. HAMILTON. Well, ungentlemanly; he staggered around there in the hotel.

Representative STEPHENS. What Indians besides yourself were there observing his conduct?

Mr. HAMILTON. Curly Bear, Mountain Chief, and Sanderville.

Representative STEPHENS. Did you see Mr. Holcomb there at any time—an Indian inspector?

Mr. HAMILTON. Yes.

Representative STEPHENS. What was his conduct?

Mr. HAMILTON. He and McFatridge stayed around together and patronized the saloon.

Representative STEPHENS. Was that the bar in the hotel that they patronized?

Mr. HAMILTON. Yes, sir.

Representative STEPHENS. About how many Indians would there be around there of an evening when he would be in that condition?

Mr. HAMILTON. There were five of us in our delegation, and were four Crow and some Sioux.

Representative STEPHENS. How often did you see him partially or wholly intoxicated during that time?

Mr. HAMILTON. No; I did not see him; but I think it is safe to say they were drinking the way they looked. He came in there smacking his lips, and they took handkerchiefs and wiped their mouths just at the door. McFatridge looked at me and he says, "You do not drink, do you?" I said, "I never indulge."

Representative CARTER. You take a drink, do you not?

Mr. HAMILTON. I take tea, coffee, and water.

Senator LANE. You do not drink any "fire water"?

Mr. HAMILTON. No, Senator.

Representative STEPHENS. I will ask you what the condition is on the agency relative to drinking intoxicating liquors, and whether or

not the Indians are generally addicted to the use of intoxicating liquors?

Mr. HAMILTON. Generally.

Representative STEPHENS. Where do they get that whisky?

Mr. HAMILTON. They get it at the Cut Bank town and at the Glazier Park, and the Glazier Park is on the reservation.

Representative STEPHENS. Do you know whether the agent knows that fact—that the Indians are getting whisky?

Mr. HAMILTON. Yes, sir.

Representative STEPHENS. How do you know that?

Mr. HAMILTON. It has been reported to him.

Representative STEPHENS. By whom?

Mr. HAMILTON. By a number of people.

Representative STEPHENS. What did he do when these reports were made to him?

Mr. HAMILTON. He did not pay any attention to them; and I have four names here of men who brought whisky on the reservation—brought whisky on the reservation—four white men.

Representative STEPHENS. Give us the names and the circumstances.

Mr. HAMILTON. On Thursday evening, September 25, 1913, four white men arrived in Browning about 8 p. m. in an automobile. These men were all in an intoxicated condition, and upon registering at the hotel and being assigned rooms the town marshal discovered that they had in their possession a quantity of liquor. He immediately placed them under arrest and confiscated a quart bottle which contained whisky. This was taken as evidence against the men, who were immediately placed in jail. After their arrest, on the following morning—Friday, September 26—Supt. McFatridge instructed his police to bring these men before him in his office. This was done, and within a short time thereafter the men were released without any charge being preferred against them, despite the fact that they were guilty of introducing liquor upon the reservation, and with conclusive evidence to prove their guilt.

After being allowed to go on their way the men proceeded to Glazier Park, a distance of about 15 miles from Browning. Upon their arrival there they related their experience of the previous night, and upon being asked as to why such leniency was accorded them one of them remarked that while he “positively did not know the reason,” yet he “believed that it was because of the fact that he was a member of the same fraternal order of which Supt. McFatridge was a member.”

The names of these men are as follows: C. E. Plunkett, J. D. Harrison, A. F. Turner, and D. M. Mooney, all of Chesaw, Wash.

Representative STEPHENS. Was this hotel where these men had this whisky in their possession on the reserve?

Mr. HAMILTON. Right in Browning; yes, sir.

Representative STEPHENS. How far was the agent's home from that, where he lived?

Mr. HAMILTON. About 300 yards.

Representative STEPHENS. How long after they were found with this whisky and arrested was it made known to the agent that those men were in jail?

Mr. HAMILTON. The same evening; they took this bottle of whisky right up to his home.

Representative STEPHENS. And then the next morning he ordered them released?

Mr. HAMILTON. Ordered them to his office and dismissed them.

Representative STEPHENS. What other facts have you of a similar character, if anything?

Mr. HAMILTON. I have here evidence in regard to a white man, the postmaster at Browning. This man was caught with the whisky.

Representative STEPHENS. What was done with him?

Mr. HAMILTON. He was drunk and the superintendent knew he was drunk, and there is an affidavit made by Mr. Waite, the allotting agent, at the time of the circumstances relating to his condition, and this has been filed with the commission.

Representative STEPHENS. Here at Washington?

Mr. HAMILTON. With the joint commission.

Representative STEPHENS. How much whisky did he have on his person on the agency at the time he was found with it?

Mr. HAMILTON. This was Whistler.

Representative STEPHENS. Tell us about that.

Mr. HAMILTON. He was at home. He was drunk and he chased his wife out of the home, and she went on up and called for help, and the agent went down, and the whole agency went down to testify, and then he broke out.

Representative STEPHENS. What became of the man; did they do anything to him?

Mr. HAMILTON. He ran away; went down to Blackwood Station and stayed down there all night, and a few days afterwards he came home.

Representative STEPHENS. Was he punished for it?

Mr. HAMILTON. No; he was never tried; he was not punished.

Representative STEPHENS. Do you know where he got that whisky?

Mr. HAMILTON. Yes, sir; it is stated in there that he shipped it in.

Representative STEPHENS. By express?

Mr. HAMILTON. Yes, sir; he shipped in 2 quarts of wine from Whitefish; there is where he got his "booze."

Representative STEPHENS. Are there any other cases similar to that?

Mr. HAMILTON. Those are the most important.

Representative STEPHENS. Do you know of any other cases called to his attention where whisky had been introduced in the agency?

Mr. HAMILTON. At the Glacier Park?

Representative STEPHENS. Yes; at Glacier Park.

Mr. HAMILTON. Yes; at the Glacier Park they called his attention to some mixed bloods who got the whisky at the Glacier Park, and the only answer he gave was that the "Great Northern have the commission from the United States," and he could not do anything.

Representative STEPHENS. The Great Northern Railroad?

Mr. HAMILTON. The railroad.

Representative STEPHENS. Concession to ship whisky into the park?

Mr. HAMILTON. Concessions for the Glacier Park hotels, and this is right on the reservation. The Glacier Park Hotel is right on the railroad—the east entrance to the park—and they keep a saloon down there in the basement and some of the Indians got some of this whisky and they came down to Browning.

Representative STEPHENS. You say the Indians got some of the whisky. How do you know they got it?

Mr. HAMILTON. They told us themselves. Six of them went right down and told Cooper where they got the whisky.

Representative STEPHENS. Did they get it out of that hotel bar?

Mr. HAMILTON. At the Glacier Park Hotel.

Representative STEPHENS. Did you ever see any of it sold at that hotel over the bar?

Mr. HAMILTON. Yes, sir.

Representative STEPHENS. About how often?

Mr. HAMILTON. It is an every-day occurrence. I did not see it, when I was up there, sold to any Indians. Mr. Cane, who is the dining-car inspector—I met the gentleman coming down to Washington last year and got acquainted with him, and I happened to see him out there, and he says, "Have you ever been through the hotel?" I said, "No, sir." He said, "Come along." So he took me down to the basement, and right down the alley, and said: "You see this den here? There is where we sell the liquors, the whisky; but we only sell it to the white people. We do not sell it to the Indians." I said, "The Indians get it though, just the same."

Representative STEPHENS. Do you know whether the agent knows that or not?

Mr. HAMILTON. His attention has been called to it.

Representative STEPHENS. Can you inform us of the names of the men who called attention to the fact that the saloon was selling whisky to the Indians? Can you give us some of the names?

Mr. HAMILTON. Mr. Cooper furnished me that fact, and he said that the Peterson boys gave him this information—Melvin, Frank, Walter, and Oscar, four Petersons—there are five of them; I do not know which one of them gave the information.

Representative STEPHENS. One of these names you have mentioned?

Mr. HAMILTON. There are five of them.

MEETING OF A GENERAL COUNCIL AT BROWNING, MONT., JANUARY 16, 1914.

Minutes of a general council of the Blackfeet Tribe of Indians of the State of Montana, having convened in regular council according to the manner and custom of the tribe and for the purposes as herein set forth this 16th day of January, 1914. After consideration of the matters for which the council was convened, the following resolution was submitted, interpreted, and considered:

"Whereas the Blackfeet Indians of the State of Montana are anxious and desire to send a delegation to appear before the committees of Congress and departments at Washington, D. C., having to do with Indian matters; that there is now pending before the departments and Congress of the United States the jurisdictional act, the special act of 1907, providing for allotment of land in severalty and disposition of surplus lands after allotment, and Chippawa-Cree question, and the tribe believes it should have representatives; that these and numerous other interests would be more fully protected by a duly authorized and accredited delegation in whom the Blackfeet have confidence; and

"Whereas the Blackfeet Tribe of Indians of Montana have confidence in the ability and integrity of Robert J. Hamilton, Oliver Sanderville, Young Man Chief, Black Weasel, and Wolf Plume, who have had some experience in Indian matters and Indian lobby and along the line of service we desire: Now, therefore, be it

"*Resolved* by the Blackfeet Tribe of Indians by their assembled council, That said Robert J. Hamilton, Oliver Sanderville, Young Man Chief, Black Weasel, and Wolf Plume, of our tribe, be, and they are hereby designated and appointed the delegates, agents, and attorneys in fact of our said Blackfeet Tribe to appear for and on behalf of our said Blackfeet Tribe before various departments having to do with Indian matters; to assist and prosecute in the Court of Claims the claim of our said tribe against the United States, arising under treaty stipulations, acts of Congress, agreements, and Executive orders.

"The said Robert J. Hamilton, Oliver Sanderville, Young Man Chief, Black Weasel, and Wolf Plume are hereby elected in open council and authorized to look after any and all of the interests of the said Blackfeet Tribe of Indians as may be pending before the committees of Congress in the form of bills or in any way pertaining or relating to our tribal lands or funds now in the Treasury of the United States, whether tribal or individual, and for the further purpose of giving out said tribe information and advice concerning their affairs in order that they may fully know the facts and be thus enabled to act intelligently relative to their tribal affairs; and to also appear before any of the committees of Congress or the executive departments of the Government as the accredited representative of our said tribe.

"That the compensation of the said delegates shall be \$5 per diem, to include a reasonable and suitable allowance for expenses when actually engaged or required to travel in the interest of the said Blackfeet Tribe. The term of service shall be for from January, 1914, to until the consummation of the said claim of our said tribe is reached."

After full consideration, the resolution was unanimously adopted, as will more particularly appear from the signature of all present in the council, hereto attached.

The members of the council:

PRESIDENT.
VICE PRESIDENT.
SECRETARY.

The popular vote of the reservation:

JOHN BOSTWICK.
CHAS. POWELL.
TOM J. DAVIS.
THOS. BOGY.
MRS. MARY POWELL.
MRS. ANNA POWELL.
(And 20 others.)

At Browning, in the county of Teton, State of Montana, November —, 1913.

On this, the day and date first above written, we, the undersigned members of the Blackfeet Tribe of Indians in the State of Montana, and a majority of the said tribe, have convened, according to our usual manner and custom, for the purpose of considering the matter of the expenses and per diem compensation of Robert J. Hamilton, heretofore duly elected by our tribal council as a delegate of the Blackfeet Tribe of Indians to the seat of Government at the city of Washington, D. C.: Now, therefore, be it

Resolved, That whereas the said Robert J. Hamilton proceeded under the instructions of our tribal council and did represent the Blackfeet people before the executive department of the Government having to do with Indian matters and before the committees of Congress of the United States and otherwise followed the instructions of our tribal council, we therefore request, authorize, and direct the honorable Commissioner of Indian Affairs to pay any and all proper expenses incurred by the said Robert J. Hamilton in the performance of his duties, including transportation both ways, a per diem of not less than \$5 per day, including the day of departure from this reservation, which was on the 26th day of February, 1913, and the day of his return thereto, which was on the 5th day of August, 1913: the pay of necessary clerical hire in the way

of stenographers or otherwise at the customary price for such services, both in preparing papers for the consideration of the department and the committees of Congress and in the preparation of letters and telegrams to the members of the Blackfeet tribe, advising them from time to time as to the status of their matters in Washington, D. C., to the end that the said expense shall be promptly paid from the tribal funds of the Blackfeet Tribe, and in furtherance thereof hereunto for that purpose set our hands, this the day and date first above written.

WOLF (his thumb mark) PLUME,
Councilman.
 CURLY (his thumb mark) BEAR,
Councilman.
 FISH WOLF (his thumb mark) ROBE,
 WOLF (his thumb mark) EAGLE,
 JOHN GROUND,
 RUNNING (his thumb mark) CRANE,
Councilman.
 WHITE (his thumb mark) ANTELOPE,
Councilman.
 (And others.)

MINUTES OF A GENERAL COUNCIL.

At council chambers of the Indians belonging to the Blackfeet Agency of Montana, held in Browning, County of Teton, State of Montana, on this 16th day of January, 1914, the Indians of said agency convened according to the usual manner and custom of the tribe, for the purpose of considering the selection of delegates to Washington, D. C., to represent tribal affairs.

The meeting was held at the instance of Vice President Mountain Chief. President Wolf Tail presided with agency officers of the tribal council of said agency

On motion nomination of delegates was agreed to. John Croff nominated R. J. Hamilton, Frank Guardipee, Wolf Plume, and Curly Bear. Nominations lost.

Thomas Kiyo nominated James Grant, Owl Child, Young Man Chief, and R. J. Hamilton. Nominations lost.

Richard Sanderville nominated President Wolf Tail, Ohver Sanderville, Wolf Plume, Black Weasel, and R. J. Hamilton. Nominations lost.

Main Tail Feathers nominated R. J. Hamilton, Oliver Sanderville, and Black Weasel. Nominations lost.

George Pablo nominated Wolf Plume, Curly Bear, Frank Guardipee, R. J. Hamilton, and Oliver Sanderville. Nominations lost.

President Wolf Tail nominated R. L. Hamilton, Oliver Sanderville, Wolf Plume, Black Weasel, and Young Man Chief. Nominations were seconded by Vice President Mountain Chief and Richard Sanderville.

These last-named parties were duly elected as delegates.

The resolutions hereunto attached were unanimously adopted.

Attest:

_____,
President.

_____,
Acting Secretary.

(NOTE.—The above minutes are not signed.)

STATEMENT OF W. J. KERSHAW, ATTORNEY AT LAW, MENOMONIE, WIS.

MR. KERSHAW. May I say a further word or two with reference to the Blackfeet Agency?

The CHAIRMAN. We shall be very glad to hear you.

MR. KERSHAW. I do not know what the situation with respect to the tribal fund is out there. I have been out in Glacier National Park for three summers—I spend my vacations out there; and that

park was purchased from the Blackfeet Indians, was it not, Mr. Hamilton?

Mr. HAMILTON. Yes, sir; in 1895.

Mr. KERSHAW. What was done with the money, do you know?

Mr. HAMILTON. It has been expended. In the agreement of 1895 it was provided that the payment should be made in 10 years, by annual installments, \$150,000; and in 1895 the first payment under that agreement was expended in buying cows. Those cattle were issued to the Indians.

Mr. KERSHAW. How much did they get for it, do you know?

Mr. HAMILTON. A million and a half dollars.

Mr. KERSHAW. It is in the extreme northwest corner of Montana, and it is the most wonderful spot on the face of the globe. You may go into basins there and see five cataracts 3,000 feet high pouring over the mountain wall. That is the character of the scenery that is in there—mountain lakes, streams, wonderful views, and scenery. The Blackfeet sold them this right off the west end of their reservation, and the Great Northern road has built a hotel at the east entrance to this park. The park is sold off the west end of their reservation, and the Great Northern Hotel is at the east entrance of the park.

Representative CARTER. That makes it next to the reservation?

Mr. KERSHAW. I believe they bought 35 acres on which to locate their hotel. The entrance to the park is at three main entrances, running directly north from this hotel clear to the Canadian line.

Senator LANE. How far is it from the Canadian line?

Mr. KERSHAW. About 70 miles, I should say.

Mr. HAMILTON. No; it is not that far. It is 35 miles due north.

Mr. KERSHAW. The Great Northern road has built an automobile road through the reservation, so that its passengers may be carried into the park through each of these three entrances. I do not know how that road came to be built. I suppose it was by the mutual consent of the tribe and the Government, but it is on the land of the tribe, and it occurred to me that the Blackfeet Indians accorded a mighty valuable privilege there to the Great Northern road, because they own and control the entrances to this park, and if they are receiving no toll for that or nothing in return for it, it seems to me they are giving up a mighty valuable privilege. The traffic into that park will be, I think, in time more extensive than it is into the Yellowstone Park, and, of course, they will all come over the Great Northern, or possibly may come in from Canada, but all will have to enter the park through these entrances belonging to the Blackfeet Indians.

Representative STEPHENS. Have you any coal or oil or other mineral deposits or timber?

Mr. KERSHAW. No; not that I know of.

Mr. HAMILTON. We have gas.

Representative STEPHENS. Or iron or copper—minerals of any kind?

Mr. KERSHAW. No minerals that I know of. That whole district has been prospected.

Representative STEPHENS. It consists of farming lands and timber land and grazing lands?

Mr. KERSHAW. Yes. They have discovered oil, but it has not been operated with success. They have oil wells there, quite a number of them.

This part of it was set apart for the national park, but over at the extreme west end there is the Flathead River Valley, and I understand there is a movement on foot to turn that over to homesteaders. They have estimated that 900 homesteads of 360 acres each may be located there. This is magnificent land. Do you not see by that transaction they have taken this homestead land for the purpose of a national park and deprived the Indians of the use of it in case it could be sold for them? That is just what I observed from visiting there. I do not know whether it would pay to look into it or not, but it looked to me as though the Great Northern was using a mighty valuable privilege there. If a private man owned it he would certainly be exacting toll for it.

Representative STEPHENS. The object is to induce the people to go over the road to see the scenery, and patrons of the hotel use the automobile roads?

Mr. KERSHAW. Yes. There is no other way to get them in the park except by these entrances owned by the Indians.

Representative STEPHENS. Did they pay anything for that privilege, that you know of?

Mr. KERSHAW. I do not think they did, but just went on and built the road without asking any questions.

Mr. HAMILTON. The act creating the Glacier Park provides that the roads and hotel should be built, and the Great Northern Railroad Co. undertook to build those hotels, and they are to be turned over to the Government, as I understand it.

Mr. KERSHAW. The automobile road from the hotel north, that is to be turned over to the Government. It is a public road.

Mr. HAMILTON. If they did not object to it they would build it at their expense for the use of the Indians and the public generally, but it is worth while to look into the automobile road. That is quite an issue on the Blackfeet Reservation. They have destroyed some of the allotments by cutting it up with this road, but they said they would pay damages for the right of way; but they have not done it yet.

(The following documents were submitted by Mr. Hamilton and directed by the chairman to be inserted in the record.)

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
UINTAH AND OURAY INDIAN AGENCY,
Fort Duchesne, Utah, June 22, 1913.

Mr. ROBERT J. HAMILTON,
National Hotel, Washington, D. C.

DEAR FRIEND: I remember you very well, and I was very glad to hear from you. You refer in your letter to my last visit to the Blackfeet Reservation and inquire whether I reported on conditions existing there.

In reply, I will say that I invited the attention of the Indian Office to conditions prevailing at the Blackfeet Agency during my visit there last November (1912). I was prevented by my orders from making a general investigation, but in a letter to the office dated December 30, 1912, I reported on certain things which came under my observation, and requested that a general inspection be made of McFatrige's administration, which I found wholly unsatisfactory. What action has been taken on my letter I do not know.

At first I held a high opinion of McFatrige, but since I have come to know him better he has fallen in my estimation.

In my report on his connection with the Wyman-Partridge case I reported adversely against him. All of these letters are now on file in the Indian Office, and beyond doubt they will give access to their files and permit you to see them. I have no hesitancy in expressing the opinion that the Blackfeet Indians of Montana should have another man to look after their affairs.

Sincerely, yours,

F. A. BAKER, *Special Indian Agent.*

(Whereupon, at 4.10 o'clock p. m., the commission stood adjourned to meet at the call of the chairman.)

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C., March 25, 1914.

The joint commission, being in session, proceeded to hear the testimony of certain witnesses concerning conditions on the Blackfeet Reservation.

TESTIMONY OF MR. MALCOLM CLARK, OF BROWNING, MONT.

(The witness was duly sworn by the chairman.)

The CHAIRMAN. Where are you from?

Mr. CLARK. Browning, Mont.; the Blackfeet Reservation.

The CHAIRMAN. What matters do you wish to present, Mr. Clark? Will you proceed and make your statement? You know I have not had an opportunity of conferring with you, and I do not know what you want to say.

Mr. CLARK. Well, we want to hold some of our land—hold all of it if we can, or hold at least part of it. That is what we are here for.

The CHAIRMAN. Are you authorized to represent the tribe?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Have you a formal authorization?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Let me have it, please.

Senator TOWNSEND. I suppose there is a dispute between you and Mr. Hamilton as to who represents the tribe?

Mr. CLARK (handing papers to the chairman). I think we can soon prove that. This is the minutes of the meeting we had.

The CHAIRMAN. This will be inserted in the record.

(The papers submitted by Mr. Clark are as follows:)

MINUTES OF THE MEETING HELD AT BLACKFEET AGENCY, BROWNING, MONT., ON
FEBRUARY 7, 1914.

The superintendent in charge of the Blackfeet Agency called a meeting of the Blackfeet Tribe of Indians on the date above mentioned—after giving due notice to as many of the Indians as possible—for the purpose of considering and discussing the proposition of throwing open to settlement of all the unallotted or surplus land east of the meridian between ranges 7 and 8.

Approximately 350 members of the tribe assembled in the council room, and the house was called to order at about 1 o'clock p. m., and Mr. William Brown was unanimously elected chairman for this meeting.

The chairman then called on Superintendent Arthur E. McFatrige to explain the purpose of the meeting, in which the latter responded and explained thoroughly, and went over the proposition mentioned above.

The act of 1907, providing for the opening to settlement the unallotted lands on this reservation, was one of the points touched upon by the superintendent; also the proposition of recommending to Congress, or to the delegation from Montana in Congress, the Commissioner of Indian Affairs, and to the Secretary of the Interior, the question of throwing open to settlement of the surplus lands east of the meridian between ranges 7 and 8 was explained by means of a map which was placed in the council room for this purpose. Many opinions were given with regard to this proposition, the majority of them, however, being in favor of the question.

After discussing this matter, for and against, it was decided, unanimously, that the proposition was a good one, and that a delegation was chosen comprised of four members (all four considered good business men) to confer with a committee selected by the various commercial associations and the chambers of commerce in the towns near the reservation, and, if authorized, to visit Washington for the purpose of taking this matter up in the interest of the tribe. The delegates chosen are James Perrine, Charles Buck, Levi Bird, and Malcolm Clark.

Meeting adjourned.

WM. BROWN, *Chairman.*

PATRICK HAMLEY, *Secretary.*

I hereby certify that the above is a true and correct copy of the minutes of a tribal council held at the Blackfeet Agency, February 7, 1914.

ARTHUR E. McFATRIDGE, *Superintendent.*

MARCH 6, 1914.

At a special meeting of the Valier Commercial Club, held March 6, 1914, the following resolution was adopted:

The Valier Commercial Club fully approves and indorses the action taken at a council of the Blackfeet Tribe of Indians, at Browning, Mont., February 7, 1914, in regard to the opening of the eastern portion of the reservation, more properly to open to settlement all the unallotted lands east of the meridian between ranges 7 and 8.

That the opening of the entire reservation at this time would prove a serious mistake, as it would deprive the Blackfeet Indian of his grazing range, which means depriving him of his principal means of earning a living, as the Blackfeet is a natural live-stock raiser and not a farmer.

That the territory west of the meridian between ranges 7 and 8 is especially adapted to stock raising and not to agricultural purposes.

That the opening of that portion of the reservation east of the meridian between ranges 7 and 8 will best further the interests of the Blackfeet, and will give to the homeseeker that portion of the reservation which can be successfully farmed, and would include the irrigated lands.

That the wishes of the Blackfeet as expressed at the Browning council receive full consideration, to which we lend our earnest endeavor and support.

That a copy of this resolution be mailed to Senators Thomas J. Walsh and Henry L. Myers, and Congressmen John M. Evans and Thomas Stout.

VALIER COMMERCIAL CLUB,

C. H. KESTER, *President.*

R. M. SAUER, *Secretary.*

CONRAD, MONT., March 7, 1914.

HON. FRANKLIN K. LANE,

Secretary Department of the Interior, Washington, D. C.

DEAR SIR: At a special meeting of the members of the Conrad Commercial Club, called for the purpose of considering the question of recommending to you the opening to settlement of the lands now within the Blackfeet Indian Reservation, Teton County, Mont., it was unanimously decided by the members of this organization to recommend, in the strongest manner possible, the opening of all of that portion of the reservation east of the range line between townships 7 and 8 west, MM.

In view of the fact that your department is lending its assistance in the encouragement of stock raising by the Indians, we feel that their material requirements for success along this line depends upon ample provision for free range

for their bands of sheep and herds of cattle and horses over areas where there is an abundance of water.

The opening of this portion of the reservation will not retard the Indian's material progress, and we believe it will be the most satisfactory arrangement that could be made at this time for the people are anxious to settle on these lands; and, at a not distant future time, when the Indians have made sufficient progress along agricultural lines to produce and grow cultivated feed to enable them to get along without the free range, it will at that time be a more feasible plan to open up the entire reservation.

That portion of the reservation east of the range line between township 7 and 8 west, MM., can be opened up for settlement without materially affecting the interests of the Indians located within the reservation, but, on the contrary, will be a great benefit to them, and, therefore, in compliance with the wishes of the Indians there located, through their representatives, we urge the opening of this portion of the reservation.

Respectfully submitted,

THE CONRAD COMMERCIAL CLUB,
E. R. ALQUIST, *President*,
JAMES A. MURTY, *Secretary*.

GREAT FALLS COMMERCIAL CLUB,
Great Falls, Mont., March 5, 1914.

HON. FRANKLIN K. LANE,

Secretary Department of the Interior, Washington, D. C.

DEAR SIR: There was a special meeting of the members of this association, called this forenoon, for the purpose of considering the opening to settlement of the lands now within the Blackfeet Indian Reservation, Teton County, Mont., and after full consideration, it was declared the sense of the meeting—

That as the department is lending its offices to the encouragement of stock raising by the Indians, the material necessity to their success will be the provision of ample free range for their communal flocks and herds over areas where there is abundant water.

That if all of the reservation, other than the allotments made to the resident Indians, is thrown open to homestead settlement, the grazing provision for the latter will be inadequate, and will be pronouncedly so at least until such time as the Indians have progressed agriculturally in sufficient degree to abundantly and constantly produce cultivated fodder.

That the best interests of the Indians being paramount in consideration of the facts cited, the retention within the reservation of all the lands now embraced within its borders except all of ranges 6 and 7 west within the north and south boundary lines of the reserve, is recommended and strongly urged.

Very truly, yours,

L. NEWMAN, *Vice President*,
OLIVER M. HOLMES, *Secretary*.

CUT BANK COMMERCIAL BANK,
Cut Bank, Mont., March 4, 1914.

JAMES PERRINE, *Browning, Mont.*

DEAR SIR: I herewith send you a copy of resolution adopted by this club on February 9, 1914, regarding the opening of the Blackfeet Reservation.

At said meeting it was the sense of the club that a copy of said resolution be transmitted to each of our delegation at Washington, D. C.

If there is anything further we can do for you along this line, we will be pleased to give you all the help we can.

Yours, truly,

A. J. WHITEHEAD, *Secretary*.

CUT BANK, MONT., *February 9, 1914*

To Blackfoot Committee, Browning, Mont.:

The Cut Bank Commercial Club desires to go on record as being heartily in sympathy and accord with the action taken at a council of the Blackfeet Tribe of Indians at Browning, Mont., February 7, 1914, in regard to the opening of

the eastern portion of the reservation, more properly, to open to settlement all the unallotted lands east of the meridian between ranges 7 and 8.

This range line is almost a natural line of demarcation between the agricultural and stock-raising zones on the reservation. East of this line lie the level bench lands to be watered by the Government irrigation projects, and pioneer residents of the reservation declare that frosts in the growing season occur less frequently over this area than that which lies closer to the Rockies.

From the line of range 8 to the foothills of the Rockies is the natural grazing grounds of the reservation. This club concurs in the conviction of the leading residents of the Blackfeet Reservation that the full blood and mixed blood Indians are by training and antecedents better fitted for the vocation of stock culture than that of grain farming. It does believe that it would not be a wise or just policy to open the entire reservation at this time and thus molest and in many instances destroy the best means whereby these people earn a livelihood. It believes that if the reservation is opened after the plan outlined by the Browning council it will foster a feeling of amity and good will between the people upon the reservation, who desire that the vocation of stock raising be safeguarded and preserved, and those people contiguous to the reservation who desire that the lines of least resistance be followed—in other words, that nothing of a revolutionary or destructive nature be done by the act of opening this fine dominion to settlement and development.

We believe that those who urge that the entire reservation be opened at this time, regardless of the future welfare of those who occupy it at present and those who would come, impelled by the lure of free homes, and file upon the open lands, regardless of their character or fitness for agricultural pursuits, are not doing so in a spirit of calm judgment and disinterestedness. We submit that it will in a greater degree conserve the general welfare of all if those who come from the agricultural centers of the East and farther West in search of homes on the reservation are permitted to acquire the portion best fitted for farming pursuits, with the additional privilege of leasing the allotted tracts under the irrigation project for hay and grain culture. In this way their permanent success will be fairly assured, and those to whom the Government has allotted the land will reap adequate returns, while at the same time they can ply their natural vocation in the unopened area—that of stock raising.

We believe that these are the salient points in urging that the Blackfeet Reservation be opened without delay, after the plan submitted by the Browning council, a copy of the same no doubt being in your possession; and we pledge you our earnest cooperation in bringing the matter to a speedy and successful issue.

Respectfully submitted.

A. J. WHITEHEAD, *Secretary*.

Mr. CLARK. Our reservation up there is about to be thrown open to settlement; in other words, taking all our surplus lands away from us. There is a law provided under which this is to be thrown open—the act of 1907. The Indians up there want to hold their land if they can. They want to hold all of it if they can and, realizing that it is impossible to hold all their land, are willing to dispose of a part of it, willing to dispose of a part along the eastern part of our reservation, east of meridians 7 and 8, containing 156,000 acres. This land is the land that the State of Montana is urging to be thrown open to settlement, and we admit that it contains the best of our reservation. There are 78,000 acres of this 156,000 acres that is practically covered by ditches—reclamation work—ditches made by the Reclamation Service. So we have decided that it will be better for us to dispose of that portion and keep the balance of it to graze our stock on.

Representative CARTER. To dispose of what portion? The irrigable lands?

Mr. CLARK. This section is along the eastern part of our reservation and contains 156,000 acres—the surplus lands.

The CHAIRMAN. Does it embrace the irrigated section?

Mr. CLARK. There are 78,000 acres of that that embrace the irrigation system.

Representative CARTER. You want to dispose of that, too?

Mr. CLARK. Yes; that comes under this—

Representative CARTER. How much land have you allotted? To the individual Indian, I mean.

Mr. CLARK. Three hundred and twenty acres. Forty acres of that is supposed to be irrigable land that can not be watered.

Representative CARTER. And then 280 acres of pasture land?

Mr. CLARK. Two hundred and eighty acres of pasture land.

Our system is this: The Indians up there are in bad shape, and they have got to be put on some sort of footing at this time—some sort of business that will grow self-supporting in the future, when the time comes that our reservation will be thrown open and we become citizens on our own responsibility.

The only industry that those Indians can engage in successfully is stock raising, and the land up there is practically stock-raising land. We have frost almost every month in the year, and we have tried farming and never made any success of it. Even the people near us outside of the reservation don't make a success of farming, so that the stock industry is the only industry that we can make a success at.

Our proposition is to try to hold as much of this land as we can for grazing purposes, and induce the Government to restock it out of the funds of this land we are trying to sell—this 156,000 acres that we want to dispose of. It will bring somewhere around a million dollars, and we want to induce the Government to put all that money into cattle for these Indians and allow the rest of this land to graze those cattle on.

The CHAIRMAN. Will it require legislation to accomplish what you seek?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Have you presented the matter to the commissioner?

Mr. CLARK. Yes, sir. The commissioner says that he will stand behind us to a standstill on it.

The CHAIRMAN. The commissioner you understood to be in sympathy with your plan of operation?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Now, this joint commission is organized by Congress to investigate the service generally—to look into abuses in the service. We can not assume control of the administrative matters, nor do we assume to draw legislation, except such as appears to the commission to be necessary to correct or reform existing abuses. Of course, in our capacity as Members of Congress we can introduce or present and stand for such legislation as we believe to be necessary.

What I should like to know is why you present the matter here rather than to the commissioner and to the Committee on Indian Affairs, which has jurisdiction of legislative matters?

Mr. CLARK. We present it so as to acquaint the Senators and members of the joint commission with our plan, so that when it comes up they will support us in Congress, which we know it will have to come before.

The CHAIRMAN. Ordinarily we are not in the habit of hearing matters in that way, but as you are here we will proceed.

Mr. CLARK. The way this was brought up, we spoke to Mr. Keating, secretary to the commission, the other day and wanted to see some of the members—Senator Robinson—and he said we had better bring it up here in a hearing that he would arrange.

The CHAIRMAN. I recall that Mr. Keating spoke to me about it. Do you know what the sentiment of your people is with regard to the matters which you propose?

Mr. CLARK. The majority of them—I think I can say more than the majority of them—are in favor of this. It is their desire, and they have sent us down here for that.

The CHAIRMAN. Some mention has been made here of Mr. Robert Hamilton. Do you know which side of the proposition he is on?

Mr. CLARK. Yes, sir. On the other side.

The CHAIRMAN. There is then a conflict there among the Indians about it?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Can you tell us briefly what the other side want to do?

Mr. CLARK. The other side has always been on the other side of the fence on any proposition the people want as a whole. Whatever the majority of the people want, there is always a faction that gets on the other side of the fence, and this, as we understand it, is more of a personal matter with them. They are after the agent. We are not down here fighting the agent's battles, or fighting for individuals, but since it has come up we deem it no more than right for you gentlemen to understand the conditions, and I suppose——

The CHAIRMAN. I should be very glad for you to tell us about the conditions prevailing there at the agency and on the reservation. That is in line with the work that we are specially interested in. As to the matter of legislation which you propose, I am sure that every member of the commission will be glad to give it due consideration along with our other duties as Members of Congress.

What are the conditions prevailing among the Indians on the Blackfeet Reservation?

Mr. CLARK. Just as I said, the Indians are in bad shape.

Representative CARTER. You and Robert both agree on that?

Mr. CLARK. Yes, sir; we all agree on that. We all agree that those Indians need help. There has got to be legislation provided that will grow some sort of self-support. Just as I say, the cattle industry is the only industry they can handle successfully. There is no use talking about agriculture, because they will die off time and time again before they will make agriculture a success.

Representative CARTER. How are you going to make a success of stock raising without some agriculture? Don't you have to raise some feed?

Mr. CLARK. Our land up there is good hay land.

Representative CARTER. Can you winter cattle on that hay land?

Mr. CLARK. Yes, sir; that is the only way we winter cattle.

Representative CARTER. Don't they have to have corn or alfalfa?

Mr. CLARK. No, sir. Corn would be better, if we could raise it, but it is a good hay country, and the cattle industry is a good industry, one of the best in the country.

Senator TOWNSEND. Is it your proposition to have the Government allot larger portions to each Indian than is now being received? Or do you want to keep this surplus as tribal land to be pastured by the tribe?

Mr. CLARK. You see, the allotments have already been made. We tried our best at the time the allotment act was being provided to get a larger allotment than we have. They cut us down to 320 acres. Now, there is over 600,000 acres of surplus land to be thrown open that is not allotted, and we want to keep as much of that as we can.

Senator TOWNSEND. How do you want to keep it? As tribal land?

Mr. CLARK. Yes, sir; as tribal land—to hold it in common and use it in common.

Senator TOWNSEND. You and two or three other gentlemen who have been very successful out there—and I am glad that you have been—would get the larger part of the benefit, would you not, under those circumstances?

Mr. CLARK. You see, our system up there is to tax everybody there a certain amount—over 100 head of cattle you pay tax of a dollar a head. This gentleman [indicating] has over 100 head of cattle; he pays his tax. It goes into the Indian fund.

Senator TOWNSEND. Go on and tell us about the troubles out there. I agree with Senator Robinson, that that is what we are interested in.

Mr. CHARLES BUCK. Mr. Chairman, may I say just one word?

The CHAIRMAN. Yes, sir.

Mr. BUCK. I want to answer that question about the land tax. It is quite true that I run my cattle on the reservation, but I want you gentlemen to understand that I am not running my cattle there for nothing. I am paying for that land, the same as any outsider. Furthermore, I want to state right here that I am not asking a thing from the Government. As for myself, I do not wish anything; all I am asking for is for the Indians. Do you think I am going to sit back here and let the Indians suffer? You will see that our plan is right. We think it is right.

Representative CARTER. How many cattle have you?

Mr. BUCK. One thousand head.

Representative CARTER. How much tax do you pay to the Government?

Mr. BUCK. Nine hundred dollars.

Representative CARTER. You have them all in your own name?

Mr. BUCK. Yes, sir; in my name.

Representative CARTER. Have you a family?

Mr. BUCK. Yes, sir.

Representative CARTER. How many?

Mr. BUCK. A wife and an adopted daughter 15 years old.

Representative CARTER. Would it be possible for you to put 100 head in your wife's name and 100 in your daughter's name?

Mr. BUCK. No, sir; I am the head of a family.

Representative CARTER. You can only have 100 to the head of a family?

Mr. BUCK. Yes, sir.

Representative CARTER. Let me ask you another question. Do you make a pretty good profit at keeping these cattle at \$1 a head?

Mr. BUCK. Yes; but that is about all it is worth on the open range.

Representative CARTER. You don't want to give it up?

Mr. BUCK. No. What else would I go into if I gave it up?

Representative CARTER. That is what I say. You would not have anything else to do with your cattle if this reservation was broken up?

Mr. BUCK. No.

Representative CARTER. You would have to sell your cattle or make other arrangements?

Mr. BUCK. I would have to lease land.

Representative CARTER. You would have to lease land and perhaps have to pay more for it, would you not?

Mr. BUCK. Possibly a little more.

Mr. CLARK. Of course we know, gentlemen, it has been reported to you that we are all big stockmen, that we are working for ourselves and all that. There is not a bit of truth in that.

Representative CARTER. You do work for yourselves, don't you?

Mr. CLARK. Yes, sir.

Representative CARTER. You don't overlook your own interests. None of us would do that. And we expect any statement you make will be colored with your own interest, as any other man's statement would be.

Mr. CLARK. We are down here to help out the condition of the Indians. Of course, we know very well that if that reservation is thrown open and the country is taken up by the homesteaders, it will take those homesteaders about two years to go broke on that land, and then we will have a lot of poverty-stricken white people out there. You know what a country is that is full of that class of people.

Representative CARTER. And you have all the white people there that the Indians can support now, haven't you?

Mr. CLARK. Yes, sir; we don't want any more white people.

Those are the conditions. We want to provide those Indians with something that will be for their own good. We can safely say that 90 per cent of those Indians have agreed in this council meeting that we had—signified that they want this plan. They want to hold their land and they have sent us down here for that. What I am trying to get at is, we understand that your minds have been poisoned by testimony here that is not right—

The CHAIRMAN. Now, you tell us what you know about conditions on that reservation. Let us see what you know about it. Are conditions on the reservation satisfactory to you as an Indian, and do you think they are to your people?

Mr. CLARK. Well, no—

The CHAIRMAN. Tell us what is wrong there.

Mr. CLARK. The whole Indian system, as far as that goes, is wrong.

The CHAIRMAN. The whole what?

Mr. CLARK. The way the Indian Bureau is handling the Indian is all wrong.

The CHAIRMAN. Tell us what you think is wrong about it. Tell us something specific.

Mr. CLARK. We don't have any voice in the matters we have. We have agents appointed over us that we have not any say. We have teachers and farmers and all that, that are appointed and work for us, paid out our own moneys, and we have no voice. The present agent is as satisfactory as any we have ever had. There never was an agent

there but what always had an opposition, and those agents have been more or less thieves——

The CHAIRMAN. I don't care anything about an argument. If you know any specific fact that you want to call to the attention of the commission in regard to something that is wrong, we would be glad to have it. You have stated that the present agent is as satisfactory as any you have ever had.

Mr. CLARK. Yes, sir.

The CHAIRMAN. There is a comparative statement. If you know of nothing wrong in the management of the affairs of the reservation, that is the end of it; but if you do, you need not argue what has come to our knowledge from other sources. We will attend to that. That is not within the proper purview of your testimony.

Are there any leases on the range on the Blackfeet Reservation?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Who are the owners of the leases?

Mr. CLARK. They are not exactly leases. We have some cattle from outside sources there that are paying taxes for the range.

The CHAIRMAN. They run at so much per head?

Mr. CLARK. Yes, sir.

The CHAIRMAN. What is the total number of cattle that do not belong to the Indians that are running on that reservation?

Mr. CLARK. I could not give the exact figures. Perhaps these gentlemen here could give just about the figures.

The CHAIRMAN. You are testifying now. If you do not know say so. Do you know approximately?

Mr. CLARK. I think there is something around 5,000 head.

The CHAIRMAN. And they pay a dollar each?

Mr. CLARK. Yes, sir.

The CHAIRMAN. The same that the Indians pay. Do you know how many Indians on that reservation have 100 head of cattle each or more?

Mr. CLARK. There are not any more than 10. Somewhere right around close to 10, I should judge.

The CHAIRMAN. How many cattle do the Indians on that reservation own approximately?

Mr. CLARK. About 10,000 head of cattle.

The CHAIRMAN. How many farmers are there on the reservation?

Mr. CLARK. You mean Government farmers?

The CHAIRMAN. Yes; that is what I mean.

Mr. CLARK. I think there are two or three.

The CHAIRMAN. Do you know which?

Mr. CLARK. I don't know. I know that there are two.

The CHAIRMAN. What do they do?

Mr. CLARK. They have not been doing very much, for a fact. They have not been going amongst the Indians as they should.

The CHAIRMAN. Is the work of the farmers satisfactory?

Mr. CLARK. No, sir.

The CHAIRMAN. Do you know what duties those farmers actually perform?

Mr. CLARK. Well, as I understand it, they are supposed to go amongst the Indians and show them how to farm.

The CHAIRMAN. Do they do so?

Mr. CLARK. They don't go; not as much as they should.

The CHAIRMAN. How many Indians are there farming there?

Mr. CLARK. There is some people there attempting to farm. I should say somewhere around 100.

The CHAIRMAN. Who has the control of those farmers who are to instruct the Indians in farming? Who directs them in the discharge of their duty?

Mr. CLARK. Why, I suppose it comes from the Indian Office, through the agent.

The CHAIRMAN. You are not prejudiced against the agent?

Mr. CLARK. No, sir.

The CHAIRMAN. And yet you bring us the intelligence that the farmers are not doing their duty?

Mr. CLARK. Yes, sir.

The CHAIRMAN. You say the Indians are not getting along well?

Mr. CLARK. No, sir.

The CHAIRMAN. What is that due to?

Mr. CLARK. That is due to the difficulty they have of earning any livelihood. The country, in the first place, you see, is a cold country—nonagricultural—and the Indian Bureau tried to make them an agricultural people. Well, it is not an agricultural country. Anybody will fail, and those people that tried to make an agricultural business failed at it. I failed at it myself. I gave it a good test.

The CHAIRMAN. You feel that the policy of the administration as to that reservation should be radically changed?

Mr. CLARK. Yes, sir.

The CHAIRMAN. And that, instead of making agriculture the principal end and aim, the Indians should be directed and encouraged in stock raising?

Mr. CLARK. Yes, sir.

The CHAIRMAN. That a part of the land should be sold and a fund acquired wherewith to purchase a tribal herd to be run on the range?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Do you think the range should be withdrawn from the public generally and reserved solely for the Indians?

Mr. CLARK. Yes, sir; as much of it as we can reserve. If we could reserve all the land, that is what we are after.

The CHAIRMAN. Do you know anything about the case of Bertha Little Plume?

Mr. CLARK. No, sir.

The CHAIRMAN. Do you know of any complaints as to the matter of the enrollment of the Blackfeet Indians?

Mr. CLARK. Yes; I know of parties that are trying to get enrollment up there, that I think myself should get enrollment, that have failed so far.

The CHAIRMAN. How many of them are there?

Mr. CLARK. There are somewhere around about six.

The CHAIRMAN. Do you know anything about the use of liquor among the Indians there and the sale of liquor to the Indians?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Is that going on?

Mr. CLARK. That is going on.

The CHAIRMAN. Is there a saloon on the right of way of a railroad there within the reservation, maintained by the railroad company, where liquor is commonly sold to Indians?

Mr. CLARK. Oh, no; no, sir. There is a place where they sell liquor at Glacier Park, but the Indians are not allowed to buy whisky there.

The CHAIRMAN. You say the Indians do not buy whisky there?

Mr. CLARK. They are not allowed to; but then, of course——

The CHAIRMAN. I am not talking about what the law allows. Of course I know what the law is; but do you know whether, as a matter of fact, they are in the habit of getting liquor there the same as white people?

Mr. CLARK. It is not talked around, and I don't know of any cases.

The CHAIRMAN. You do not know of it?

Mr. CLARK. No, sir.

The CHAIRMAN. You say you know nothing about the Bertha Little Plume case?

Mr. CLARK. No, sir.

The CHAIRMAN. You never heard of that case?

Mr. CLARK. No, sir.

The CHAIRMAN. How far do you live from the agency?

Mr. CLARK. About 8 miles.

The CHAIRMAN. Do you visit it frequently?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Are you intimate with the superintendent?

Mr. CLARK. Yes; I have occasion to go into his office every now and then.

The CHAIRMAN. Do you have any business transactions with him?

Mr. CLARK. Oh, yes; tribal business transactions that we necessarily have to have.

The CHAIRMAN. Is there anything, Mr. Clark, that you wish to state? There are a number of matters I wish to ask you about, but I shall not have time to run through them.

Mr. CLARK. Is this the only hearing that we will have?

The CHAIRMAN. No. Do you know whether any Indians have died on that reservation from lack of nourishment during the winter and spring of 1913?

Mr. CLARK. I don't know of any that died.

The CHAIRMAN. Do you know John Calf Tail's son?

Mr. CLARK. I know John Calf Tail, but I don't know anything about his son.

The CHAIRMAN. Do you know Morning Eagle?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Do you know when he died?

Mr. CLARK. Morning Eagle died—I think it was last year.

The CHAIRMAN. What from?

Mr. CLARK. Morning Eagle is one of those men—I think he was over 80 years old. I think he told me one time he was 94 years old. He was an old man.

The CHAIRMAN. Do you know whether or not he suffered from lack of food in his last days?

Mr. CLARK. I never heard so.

The CHAIRMAN. Do you know Tearing Lodge?

Mr. CLARK. Yes, sir.

The CHAIRMAN. And Spotted Eagle?

Mr. CLARK. Yes, sir.

The CHAIRMAN. And Louis Champine?

Mr. CLARK. Yes, sir.

The CHAIRMAN. And Joseph Everes?

Mr. CLARK. Yes, sir.

The CHAIRMAN. And Mrs. Bear Leggings?

Mr. CLARK. Yes, sir.

• The CHAIRMAN. And Big Crow?

Mr. CLARK. Yes, sir.

The CHAIRMAN. And Charles Iron Breast's little girl?

Mr. CLARK. I don't know the little girl. I know Charles Iron Breast.

The CHAIRMAN. Big Crow's son?

Mr. CLARK. I know Big Crow; yes.

The CHAIRMAN. Mrs. Head Carrier?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Bad Old Man?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Medicine Singer?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Mrs. Peter Champine's two little children?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Do you know Gambler?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Coat, his wife, and child?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Do you know of all of them dying within a week?

Mr. CLARK. No, sir—what was it you asked me?

The CHAIRMAN. Do you know of all three of these dying within a week?

Mr. CLARK. Yes, sir.

The CHAIRMAN. What did they die of?

Mr. CLARK. Coat lives right next to me. He lives within half a mile of me, and I was there cutting hay——

The CHAIRMAN. I don't care anything about that, what did he die of?

Mr. CLARK. I was going on to say that I know just his conditions there. He died with some sort—I don't know what they call it, but some sickness——

The CHAIRMAN. I am not surprised at that. Do you know what his wife and child died of?

Mr. CLARK. His wife died—just as soon as he died; she died apparently from the shock of him dying, and she just pined away.

The CHAIRMAN. What did the child die of?

Mr. CLARK. I don't know; it was just some sickness. I know they did not die of starvation.

The CHAIRMAN. They had plenty of nourishment?

Mr. CLARK. Yes, sir. The child was put in families that had plenty to eat all the time.

The CHAIRMAN. What about the father and mother?

Mr. CLARK. They had plenty to eat.

The CHAIRMAN. Do you know that of your own knowledge?

Mr. CLARK. Yes, sir; I know that.

The CHAIRMAN. But you don't know what they died of?

Mr. CLARK. No; I could not tell you the disease, but I know it was not starvation.

The CHAIRMAN. Do you know James White Calf?

Mr. CLARK. Yes, sir.

The CHAIRMAN. And his child?

Mr. CLARK. I don't know his child, but I know Jim White Calf.

The CHAIRMAN. Do you know Night Shoot's two children?

Mr. CLARK. Yes, sir; they live right next door to me.

The CHAIRMAN. What did they die of?

Mr. CLARK. The children?

The CHAIRMAN. Night Shoot's two children.

Mr. CLARK. One of them died with that affection of the throat that chokes you up. I don't know whether it is—they had an affliction of the throat whereby the throat gradually gets inflamed inside——

The CHAIRMAN. Diphtheria?

Mr. CLARK. No, sir; it was not diphtheria. It was something on the tonsillitis line, because we visited him and sent for the doctor.

The CHAIRMAN. Did they lack for food?

Mr. CLARK. No, sir.

The CHAIRMAN. Do you know Orie Sheriff's child that died there last year?

Mr. CLARK. No; I don't know the child.

The CHAIRMAN. Do you know Big Woman?

Mr. CLARK. I can not recall her. I did not know her.

The CHAIRMAN. Did you know Bad Marriage's little child that died there last year?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Did you know the cause of its death?

Mr. CLARK. Well, Bad Marriage always had plenty to eat.

The CHAIRMAN. That is not responsive to my question.

Mr. CLARK. I don't know what the child died of.

The CHAIRMAN. Three Calves, do you know him?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Did you know his daughter that died there last year?

Mr. CLARK. I did not.

The CHAIRMAN. Did you know Running Back's daughter?

Mr. CLARK. No.

The CHAIRMAN. Henry No Bear?

Mr. CLARK. Yes.

The CHAIRMAN. Did you know the Blackfoot child that died there?

Mr. CLARK. I didn't know that child.

The CHAIRMAN. Mrs. Paul Double Runner?

Mr. CLARK. Yes.

The CHAIRMAN. Do you know what she died of?

Mr. CLARK. No.

The CHAIRMAN. Do you know Many Tail Feather's daughter that died there last spring?

Mr. CLARK. I can not recall that; I don't know.

The CHAIRMAN. Do you Yellow Wolf?

Mr. CLARK. Yes, sir.

The CHAIRMAN. Do you know what his daughter died of last year?

Mr. CLARK. No; I don't know that.

The CHAIRMAN. You don't know of any case where any Indian on that reservation suffered by lack of food?

Mr. CLARK. No, sir.

The CHAIRMAN. You go about over the reservation—

Mr. CLARK. Now, I tell you, there are some that lack food—lots of them. Lots of them lack food, but so far as actually dying of starvation, I don't know of any case.

STATEMENT OF MR. J. A. PERRINE, OF BROWNING, MONT.

The CHAIRMAN. You may go ahead, Mr. Perrine, and make what statement you wish to.

Mr. PERRINE. Well, I have no statement to make, only along the line that has just been discussed by Mr. Clark about the matter that brought us here.

The CHAIRMAN. You indorse the suggestion that the policy of the administration as to that reservation ought to be radically changed with reference to the business of the Indians?

Mr. PERRINE. Yes, sir.

The CHAIRMAN. You think agriculture can not be made prosperous there and that stock raising can?

Mr. PERRINE. Yes, sir.

The CHAIRMAN. In your judgment, as a man of experience and apparent intelligence—and, I take it, some degree of success in affairs—could a sufficient number of cattle be run on that reservation to provide a livelihood for the Indians on the reservation?

Mr. PERRINE. You ask how much cattle could be run on the reservation?

The CHAIRMAN. Could there run enough cattle there to support the Indians on the reservation?

Mr. PERRINE. You mean outside cattle brought on there?

The CHAIRMAN. No. If the policy were changed as you have suggested, and the Government sold a part of the Indian lands, procured a fund in that way, and bought cattle with it and ran them on the reservation for the benefit of the Indians as an Indian herd, would the proceeds of the business, properly conducted, support you?

Mr. PERRINE. Undoubtedly.

The CHAIRMAN. You think that is unquestionably true?

Mr. PERRINE. There is no question about it.

The CHAIRMAN. How many cattle could be fairly run on that reservation if the lands you think ought to be sold should be disposed of—about how many?

Mr. PERRINE. About how many cattle?

The CHAIRMAN. Yes.

Mr. PERRINE. That reservation has supported about 70,000 head of cattle altogether—cattle and horses.

The CHAIRMAN. There are about 10,000 Indian cattle there now?

Mr. PERRINE. About that; yes.

The CHAIRMAN. How many cattle belonging to outsiders?

Mr. PERRINE. At the present time?

The CHAIRMAN. Yes.

Mr. PERRINE. I don't know definitely; but I understand around about 2,500 head.

The CHAIRMAN. Not a large number, comparatively speaking?

Mr. PERRINE. No. There is just one concern; the T. C. Power interests. I believe they have a permit for 2,500 head on there.

The CHAIRMAN. What is the condition of these Indians, Mr. Perrine, as to health?

Mr. PERRINE. I would not say it was of the very best, owing to the conditions under which they live—their surroundings—living outside of their tepees and living in close, illy ventilated cabins has not been very conducive to good health.

The CHAIRMAN. What percentage would you say live in illy ventilated houses?

Mr. PERRINE. I would say about 80 per cent of the full-blood Indians.

The CHAIRMAN. What diseases are prevalent among them?

Mr. PERRINE. Diseases like throat affections. Most serious is the eye affection—trachoma—and tuberculosis.

The CHAIRMAN. I do not suppose you have, of your own personal knowledge, any means of knowing approximately how many of them have tuberculosis?

Mr. PERRINE. No, sir; I do not.

The CHAIRMAN. Is it quite prevalent?

Mr. PERRINE. I would not say that it is; but there are cases here and there.

The CHAIRMAN. I suppose you could not know unless an investigation were made. There are probably a number of cases—

Mr. PERRINE. That I do not know anything about.

The CHAIRMAN (continuing). That would not be discovered except by an investigation.

Mr. PERRINE. That is all; yes.

The CHAIRMAN. Is trachoma very common?

Mr. PERRINE. Yes, it is.

The CHAIRMAN. How do these Indians live? In villages?

Mr. PERRINE. No, sir. The full-blood Indians have taken their individual allotments, but they live more or less closely together—in different localities around—but a great many of them live on their own individual allotments. The balance of the mixed-blood Indians all live on their own allotments.

The CHAIRMAN. What is their condition with reference to the comforts of life, as a whole? Do you know of any cases, or many cases, where they have suffered for lack of the necessities of life?

Mr. PERRINE. There is not a question in my mind but what there is abject suffering on the reservation.

The CHAIRMAN. How much would you say?

Mr. PERRINE. I should say that practically all of the full-blood Indians are in need of assistance, with a few exceptions here and there among some of them that have taken care of their property and built themselves up better homes than others have done.

The CHAIRMAN. Are they what may be called self-supporting?

Mr. PERRINE. Yes.

The CHAIRMAN. Are they now receiving any aid from the Government?

Mr. PERRINE. Those that are self-supporting?

The CHAIRMAN. No; those that are not self-supporting?

Mr. PERRINE. Yes, sir; they are drawing rations.

The CHAIRMAN. Do you know how many are drawing rations?

Mr. PERRINE. I do not; but practically all those that are in need that can come in and show that they are in need of assistance or sick—anyone sick in their families—they get rations.

The CHAIRMAN. Do you know of any cases, or have you heard of many cases, where persons have suffered for lack of food? That is, Indians?

Mr. PERRINE. I have heard of it; yes.

The CHAIRMAN. Do you know where Indians are said to have died under circumstances that indicated a lack of proper nourishment?

Mr. PERRINE. I have heard of such things, and possibly there are cases where children have died from lack of necessary food. But, Senator, I want to say this: I do not believe that would be so much the fault of the agent—

The CHAIRMAN. I am not asking whose the fault is.

Mr. PERRINE. I want to express my views along that line.

The CHAIRMAN. I do not call you here as the champion of the agent or as the enemy of the agent. I do not know how that idea becomes so prevalent. The object of this investigation, so far as I can control it, is to get at the actual facts as they exist, and then when blame can be shown, to find out whose is the blame. But I am not persecuting anybody, and shall not permit it to be done. I am a lawyer, and have some knowledge of the credibility of testimony and the weight that should be given to it.

There is, however, some conflict, as you have yourself observed, between your statement and that of Mr. Clark. Now, I am anxious to know of you, and Mr. Clark, too, as men who are interested in your own race and anxious to improve its condition and to bring about better results, what suggestions you have to make further than the very important one you have already made with reference to changing the policy of the administration in the conduct of the business of the Indian on the reservation. What do you think ought to be done that is not being done, if you know of anything?

Mr. PERRINE. The first thing, to reach right down into the nut of the whole proposition, is to change the policy of the Indian Bureau in its general dealings with Indians. There is really the crux of the whole situation—mistakes that have been made by them.

The CHAIRMAN. Tell us what they are. That is a general statement that is interesting, but it is not illuminating. What mistakes have been made, and what change ought to be made?

Mr. PERRINE. The mistake has been made in two instances. One is this: About 10 years ago the Indians were the owners of approximately 41,000 head of stock, and in a fairly prosperous condition. Mr. Leupp was then Commissioner of Indian Affairs. He issued an order that all the rations were to be abolished at once. That was done. Consequently the full-blood Indians fell back on their stock and began to eat it up. That is one reason why the Indian is clamoring for assistance. Having had his ration taken away from him, he sells his cattle and his horses in order to get clothing and food.

Not only that, Mr. Leupp also issued another order that all above 100 head of cattle held by a family should be taxed at \$1.50 a head.

That also had a detrimental effect on the Indian. Previously he had been encouraged by the commissioners to save his stock and look after them, had machines issued to him for the putting up of hay, lumber for the building of sheds, and was encouraged in every way to accumulate property. Then this proposition was passed where he was taxed. He could not get it through his head what the meaning of it was.

The CHAIRMAN. Now, while the number of cattle which the Indians own on that reservation has been reduced in 10 years from 41,000 to 10,000, has the agricultural industry of the Indians been greatly increased?

Mr. PERRINE. Yes, sir.

The CHAIRMAN. To what extent?

Mr. PERRINE. I should not say that it has made very much of an increase, because pretty near all of them that can put in some garden.

The CHAIRMAN. They can do that and run cattle also?

Mr. PERRINE. Certainly.

The CHAIRMAN. It is perfectly apparent that under some former administration the affairs were so conducted that there was a great falling off in the cattle business among the Indians, whatever the cause may be. Now, what I want to know is whether that was compensated for by the expansion of some other important industry?

Mr. PERRINE. No, sir; it was not.

The CHAIRMAN. So, that in 10 years those Indians have gone backward instead of going forward?

Mr. PERRINE. No question.

The CHAIRMAN. What is their condition now as compared with what it was, say, two or five years ago?

Mr. PERRINE. Those Indians to-day stand practically where they stood 25 years ago when the Government made its first treaty with them, and then they were destitute.

The CHAIRMAN. So, that in your judgment their condition is not at all satisfactory?

Mr. PERRINE. No, sir.

The CHAIRMAN. Have you any other suggestions aside from that which you have already made as to what ought to be done to improve conditions there?

Mr. PERRINE. Yes, sir; just one suggestion, that the Government should take some step to provide those Indians with another lot of cattle, to give them some stock of some kind, to give them another chance to get up again.

The CHAIRMAN. That would be contemplated in this sale of a part of the reservation?

Mr. PERRINE. Yes, sir.

The CHAIRMAN. Would it be your idea that the stock would be held as a tribal herd or divided up among the Indians?

Mr. PERRINE. My idea is to give the competent Indian his share, and those who are not competent, their property should be held in a communal herd.

The CHAIRMAN. What is the general intelligence of those Indians, and what is the promise they give, under proper management, of becoming competent? I mean the great majority.

Mr. PERRINE. Take the Blackfeet Tribe of Indians, as a whole, and they are a very intelligent lot of Indians, but the one thing that

is against them is this universal curse of drink. The Indians run to drink.

The CHAIRMAN. Unfortunately that appears to be true almost everywhere.

Mr. PERRINE. That is one of the things that has brought him down to his present condition.

The CHAIRMAN. That is one of the big problems of the service. Is there much liquor used by the Indians on that reservation?

Mr. PERRINE. There is.

The CHAIRMAN. And whose fault is it, if anyone's?

Mr. PERRINE. The Indian himself.

The CHAIRMAN. Of course, primarily it is the fault of the man who drinks.

Mr. PERRINE. He looks for it, and goes long distances to find it.

The CHAIRMAN. And when he wants it right bad he will sacrifice almost anything for it?

Mr. PERRINE. He will; yes, sir.

The CHAIRMAN. In that respect the problem is a great one. What do you think, as a man who realizes the importance of that problem, ought to be done? I am looking for the man who can find a proper solution of the liquor problem among the Indians.

Mr. PERRINE. I have lived among those people 24 years, and I have studied it, and I think I have seen where the law could be remedied. The law as it is now provides simply for punishing the white man, or the man who gives the Indian liquor. I believe in going a step further and punishing the Indian for receiving it, attempting to receive it, or drinking it. When you punish the two, then you will reach some result.

The CHAIRMAN. Have you considered this: As it is now there is no ban on the Indian exposing the white man for furnishing the liquor. If you put them both in the same class, if you put them in jail together, wouldn't you make it probable that he would not be quick to tell where he got his liquor?

Mr. PERRINE. What is the use? Some of them take that fact and use it for blackmailing purposes. I have known of cases—one of them, George Pablo, in particular, who made it a regular business in order to get a trip to the Federal court and get his fees and everything going out there and coming back, and then go and repeat the performance.

The CHAIRMAN. We have observed the same condition in the investigations we have made. Would you fear if we passed a law making it a crime for an Indian to buy or receive liquor that it would put the majority of them in jail?

Mr. PERRINE. No, sir; I think it would be an excellent thing.

The CHAIRMAN. It would at least be worth trying?

Mr. PERRINE. Yes, sir; it would.

The CHAIRMAN. I am inclined to agree with you, though I confess it is a matter of great doubt to me. It would depend upon a great many circumstances. There is no question now but what the liquor-suppression laws in the past have been just as futile as they could be.

Mr. PERRINE. No question about that.

The CHAIRMAN. That is due to a great many causes; primarily due to the fact that the Indian goes after liquor, as you say, and when

he wants it he will sacrifice almost anything to get it. What penalties would you prescribe for an Indian for getting liquor?

MR. PERRINE. The same penalty as you give to the white man for selling it. Give it to him just as hard as to the white man. As it is now he receives no punishment. As it is now he informs on somebody, and then he has a pleasure trip going up there, and very often he gets drunk while he is up there. In some cases the court has been held up because the witnesses were drunk and could not appear. Now, if the Indian was punished it would be good for him. It would teach him a lesson not to get drunk the next time. That would be my idea of the solution of it, and I do not see any other solution.

MR. CLARK. The punishment inflicted on a white man or anybody else selling liquor to the Indians is not severe enough. For instance, up there on our reservation any man who is caught selling liquor to Indians is given a jail sentence of 60 days and \$100 fine. That is not a serious infliction—

THE CHAIRMAN. I should think if it were enforced it would be right severe to send a man to jail for 60 days and fine him \$100. What would you recommend?

MR. CLARK. I would recommend making that punishment more severe, and also make some punishment to the Indian, maybe not quite as severe, but there ought to be some punishment for the Indian.

THE CHAIRMAN. The great difficulty about the matter seems to me to be that in many communities there is little moral sentiment supporting the antiliquor laws. That is true in many localities as to white people. Wherever you have a white community where the people want liquor, they violate every kind of law and there is no enforcement; and where you have an Indian community where the white people are interested in making money out of the unfortunate Indian, in "rolling" him, as they call it—getting him in and getting him drunk and depriving him of what he has—and where at the same time you have the Indian in hearty sympathy with the violation of the law, it seems to me like one of the almost impossible problems that can only be solved in the course of time.

I am very glad to have that suggestion, because I have been considering it somewhat, but I do not know whether it would work or not.

MR. PERRINE. Permit me to speak on just one other topic in relation to this saloon at the Glacier National Park. This saloon at the Glacier National Park is, of course, under the operation of the Great Northern Railway. They have a saloon there, or a bar in their hotel. They got the permission to open that for the use of the tourists; but on the other hand it has given the bootlegger an opportunity to come in from the outside and peddle whisky around the outside of the grounds to such as want it. And when they are arrested or found with liquor in their possession they say, "We got it right here from this saloon." That bar being there has given the bootlegger just the opportunity he is looking for.

THE CHAIRMAN. That saloon itself is not within the Indian country, is it?

MR. PERRINE. Yes; it is. It is on the reservation, and Mr. Hill has bought that town site from the tribe. It is his town site.

The CHAIRMAN. It is not Indian country within a decision of the courts.

Mr. PERRINE. It is within what was once an Indian country.

The CHAIRMAN. The problem exists in the State of Washington. Do you know anything about the Cut Bank School?

Mr. PERRINE. No, sir.

The CHAIRMAN. Do you know about the construction of the Two Medicine Bank reclamation project?

Mr. PERRINE. I know that the Reclamation Service has erected a dam at the foot of the lake.

The CHAIRMAN. What do you know about it?

Mr. PERRINE. Well, it is complete, and, I suppose, ready to hold the water, but if you are speaking as to how that come there, they received permission at first from the Indians to establish this dam, and then when the allotting agents started to allot this land there several allottees wanted their allotments there. Two of the allottees established a sawmill with the consent of the department. I myself had a piece of land allotted, amounting to about 55 acres.

The allotting agent wrote me a letter one day and said that the Secretary of the Interior, by the advice of the Reclamation Service, had asked that these allotments be held up, that they were tentative allotments, and the allottees take other lands elsewhere, as the land was to be inundated when the water was backed up by this dam. Well, I gave mine up and took the land elsewhere. These other boys did not. They are still fighting the Government, and, I believe, they got a decision in the court that their lands must pass to patents; that if the Reclamation Service wanted to use those lands, the Reclamation Service must pay for them. And that is the way the matter stands now, as I understand it.

The CHAIRMAN. Is there anything else?

Mr. T. L. SLOAN. Mr. Perrine spoke something about the location of the dam being flooded—

Mr. PERRINE. I don't know anything about that. That is away out at the other end of the reservation. I live 40 miles from there. I would not be a bit surprised if it was.

The CHAIRMAN. Of course, if you do not know, it is immaterial what you suspect.

(Thereupon, at 1 o'clock p. m., the joint commission adjourned to meet at the call of the chairman.)

WASHINGTON, D. C., *September 5, 1913.*

Hon. JOE T. ROBINSON,

Senate Office Building, Capitol.

SIR: I have received a telegram addressed to Hon. Thomas L. Sloan, in my care. As Mr. Sloan is away on business of the commission, I opened the message. It is from R. J. Hamilton, dated at Browning, Mont., and states: "We urgently request that investigation commission send you to our agency at their earliest convenience. We need immediate relief. Advise us what course to take to effect this result."

I have met Mr. Hamilton, and he has been represented to me as a man who is reliable and trustworthy. The present agent at the Blackfeet Reservation, the tribe of which Mr. Hamilton is a member, is, I am advised, away from the reservation at this time, ostensibly gone to Iowa, it is said, to buy bulls, although it is claimed there is no particular need for them at the reservation. It may be that he has come as far as Washington in an effort to fix up his fences.

I trust that if you contemplate an investigation of this agency and the official conduct of Mr. McPetridge, the agent—and I understand that he needs in-

vestigation badly—that you may be able to send Mr. Sloan there, as requested by Mr. Hamilton.

Respectfully, yours,

ROBT. T. LANG.

SEPTEMBER 8, 1913.

MR. ROBERT T. LANG,
600 F Street NW., Washington, D. C.

MY DEAR SIR: I have your letter of the 5th instant, referring to a telegram from R. G. Hamilton, at Browning, Mont. In reply, you may inform Mr. Hamilton that the commission will proceed in its own way and at its own convenience with the investigation, and if he has any information to communicate to forward it direct to me, as chairman of the commission.

Yours, truly,

JOE T. ROBINSON, *Chairman.*

UNITED STATES SENATE,
Washington, D. C., September 15, 1913.

HON. JOS. T. ROBINSON,
United States Senate.

DEAR SIR: I inclose herewith a letter from Mr. Robert J. Hamilton, which will explain itself. I have written Mr. Hamilton that you are on the way to Montana, and that if he will see you, you will give his complaint proper attention.

I also inclose letters which I have received from Mr. H. N. Crouse, of Harlem, Mont., which will also explain themselves. I respectfully ask in behalf of Mr. Crouse that your investigation into these affairs be conducted so he will not be submitted to blame, after you leave, or not cause him to lose his position. The facts which he refers to ought to be easily substantiated without compelling him to act as a complaining witness, and I am sure you will not cause him any embarrassment in connection with the same if you can avoid doing so.

Yours, respectfully,

HARRY LANE.

SEPTEMBER 17, 1913.

HON. HARRY LANE,
United States Senate.

DEAR SIR: Your letter addressed to Senator Robinson, inclosing letters from Mr. Robert J. Hamilton, also other letters and information relative to certain Indian reservations, has been received. I will forward same to Senator Robinson at once.

Very truly,

R. B. KEATING, *Secretary.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Browning, Mont., September 9, 1913.

HON. HARRY LANE,
United States Senate, Washington, D. C.

DEAR SIR: I, the undersigned, do most respectfully but earnestly petition through you the Indian investigating commission of which you are a member, and respectfully call your attention to the charges submitted to and filed with the Senate Committee on Indian Affairs by me as a representative of the Blackfeet Indian Tribe on the 24th day of May, 1913.

Inasmuch as no action has been taken in the matter of these charges up to the present time, the conditions upon the reservation have become more than ever deplorable on that account. As winter is coming on, I am fearful that unless an investigation is made soon, which will bring about some relief, my people are facing a starvation condition.

I, therefore, respectfully, but most urgently request in behalf of my people, that your commission investigate the conditions here at the earliest possible time.

Hoping for some favorable word from you at an early date, I have the honor to be,

Most respectfully, yours,

ROBT. J. HAMILTON.

SPOKANE, WASH., September 25, 1913.

MR. ROBERT J. HAMILTON, *Browning, Mont.*

DEAR SIR: You have presented in person to the Joint Commission to Investigate Indian Affairs a communication signed by Curly Bear and other Indians expressing regret that the commission can not visit the Blackfeet Reservation at an early date, and referring in a general way to complaints, which are alleged to have been submitted to the department in Washington and upon which no action has been taken. You also express the fear that many Indians on that reservation will suffer from hunger during the coming winter, and request an investigation of the conditions on the Blackfeet Reservation at the earliest practicable time.

The commission will be unable to visit the reservation for some time. We have already mapped out sufficient work elsewhere to keep the commission engaged for quite a while. However, we are anxious to receive full information as to conditions on that reservation, and suggest that as the representative of the Indians you submit specific complaints in writing setting forth definitely the conditions and transactions which especially require investigation, and accompany the same with a detailed statement of facts and a list of witnesses whose testimony can be taken.

Please confer with all persons interested and furnish me with a definite statement of facts and of the evidence which will probably support the same. Please number each complaint separately and accompany it with a brief statement of the evidence which you know can be produced, together with the names of the witnesses, to the end that when the commission does find it convenient to visit the Blackfeet Reservation we may have some definite knowledge as to what abuses exist, and also may have in mind some means and methods of reform.

Very truly,

JOE T. ROBINSON, *Chairman.*

HON. J. T. ROBINSON,

Chairman Indian Investigating Commission.

SIR: We, the undersigned members of the Blackfeet Indian Tribe, respectfully represent as follows: That press reports indicate that the investigating committee will not reach our reservation and that this is a great disappointment to the Indians here; that for some time past we have complained of the conditions on our reservation and submitted such complaints through our tribal representatives to the various departments in Washington, and that no action has yet been taken in the matter of these complaints.

Many matters of importance and some of which directly affect our welfare need investigation, but most important of these is the starving condition of the Indians.

As winter approaches we are fearful that many lives among us will be lost as a result of our sufferings from the pangs of hunger.

We therefore most earnestly appeal to you and urgently request, through our delegate, Robert J. Hamilton, that an investigation of the conditions of our reservation be made at the earliest possible time, and which will relieve our present deplorable condition.

Respectfully,

Curly (his x mark) Bear, Big (his x mark) Spring, Split (his x mark) Ear, Eddie Running Crane, Fish (his x mark) Wolf Robe, John Eagle Robe, Wolf Eagle, Mrs. Iron (her x mark) Pipe, Mrs. (her x mark) Scraper, Mrs. M. Walter, Jas. Steele, Bad (his x mark) Marriage, Bear (his x mark) Head, Eddie Paul, Mrs. Louise Tingley, Mrs. Louisa Paul, Mrs. Margret Deschamp, Louis Monroe, John Lukin, William J. Spanish, Pete Vielle, Louis Kipp, Mrs. Isabell Cooper, Mrs. Lizzie Henderson, James Henderson, Margaret Strong, John Ground, Wm. Brown, Dora Lukin, Mrs. Xavier Billedeaux, J. Kipp, Geo. Pabts, Mr. Joseph Livermore, Mr. John Moseatt, John Hunsburger (per Kennerly), P. H. Kennerly.

BROWNING, MONT., October 11, 1913.

HON. J. T. ROBINSON,

Washington, D. C.

DEAR SIR: Inasmuch as you have instructed me to gather evidence and to get the names of witnesses to prove mismanagement of the affairs of the Blackfeet

Indians, under the superintendency of Arthur E. McFatridge, I have to report that I have already gathered a number of cases which will help in disclosing the abuses, lamentable conditions that exist, and the general corrupt administration of the affairs of our reservation to be submitted to the joint commission of Congress now investigating Indian Affairs.

In order, however, to get facts in a way that they will form a substantial collection of evidence, it is absolutely necessary that I have access to the records of the office of this agency and to report to you comprehensively as to the affairs of this reservation, therefore I ask to be authorized to consult the records of this office for that purpose.

I also ask that a small appropriation be made to meet incidental expenses in connection with the work of gathering evidence. There is a territory of 55 miles square, which will require time and expense to cover. The work can not be accomplished without expense, means for which should be provided by your commission, or at least reasonable disbursements should be reimbursed.

The people of this reservation have already overtaxed themselves in support of our efforts to get relief, and all are financially embarrassed.

Your obedient servant,

ROBT. J. HAMILTON.

OCTOBER 17, 1913.

MR. ROBERT J. HAMILTON,

Browning, Mont.

DEAR SIR: Your letter of October 11 addressed to Senator Robinson has been received. The commission is still out of the city but will return in two or three weeks and the letter will be called to the attention of the chairman.

Very truly,

R. B. KEATING, *Secretary.*

NOVEMBER 11, 1913.

MR. ROBERT J. HAMILTON, *Browning, Mont.*

DEAR SIR: Your letter containing inclosures numbered from 1 to 9, addressed to Senator Robinson, chairman, has been received. The Bertha Little Plume affidavits have also been filed. The commission has not yet returned from their western trip. As soon as Senator Robinson arrives his attention will be called to the matter which you present.

Very truly,

R. B. KEATING, *Secretary.*

BROWNING, MONT., *November 1, 1913.*

HON. J. T. ROBINSON,

Chairman Joint Commission to Investigate Indian Affairs.

SIR: In obedience to your instructions to furnish you with full information as to conditions on this reservation, I have the honor to respectfully submit certain specific complaints and charges setting forth definitely the conditions and transactions which especially require an early investigation.

I have classified this matter, each lot or classification embodying a number of separate and distinct charges.

No. 1. Involves the immoral conduct of Supt. A. E. McFatridge in the case of Bertha Little Plume, an Indian woman.

No. 2. Relates to the panic condition of the tribe and the impending starvation period, because of destitute circumstances and lack of employment. This situation especially requires immediate investigation.

No. 3. Is in regard to the reservation fence; the detailed statements and affidavits will disclose the condition of the fence.

No. 4. Discloses discrimination in the matter of enrollment with the Black-foot Tribe.

No. 5. Shows unfairness of superintendent in allowing the use of steam plow.

No. 6. Despotism of Supt. McFatridge.

No. 7. Actions of Supt. McFatridge contrary to instructions in controversies between post traders and Indians.

No. 8. Discloses discrimination of McFatridge in the matter of whisky cases, the conduct of I. T. Whistler, and who has been protected and upheld by McFatridge.

Nos. 9, 10, 11, 12, and 13. Miscellaneous cases, showing maladministration of affairs.

Some of these cases have been sworn to before a notary public, and each specific charge is accompanied with a detailed order of facts, some with a list of witnesses whose testimony can be taken; also names of witnesses which appear on some of the affidavits, statements, and complaints.

In compliance with your request, I have also prepared a list of some of the Indians who are in semiself-supporting condition and who are easier to gather than it is to make a list of those who are in destitute circumstances and who should receive immediate assistance; but I have furnished you a list of the poorest ones. However, this list is not very reliable, but your commission can get enough out of it to prove the existence of these conditions. Neither one of these lists includes the progressive mixed bloods nor the white men who are connected with this tribe by intermarriage. Perhaps your commission can find others who are in destitute circumstances and who are progressive.

The people, through me, earnestly appeal to your commission for an early investigation of these affairs.

Respectfully,

ROBT. J. HAMILTON.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Browning, Mont., October 31, 1913.

Hon. J. T. ROBINSON,

Chairman Joint Commission to Investigate Indian Affairs,

Washington, D. C.

SIR: I feel constrained to refer in a general way to the deplorable conditions of this reservation in a separate communication and to urge upon you the necessity of immediate action in the way of bringing about an investigation of the affairs of the reservation at the earliest possible time, and to impress upon you the gross negligence on the part of our superintendent in the administration of the affairs of this reservation, which has resulted in the existence of such pitiable conditions.

Supt. McFatridge has held the office of superintendent for more than three years. During all of that time, aside from the performance of his regular routine office duties, I fail to recall to mind when he has at any time displayed any interest in the welfare of the majority of the members of this tribe, and I am unable to point to one instance wherein there is any indication of such attitude upon his part to encourage, instruct, and assist in the welfare and advancement of these Indians. Being naturally possessed of a vindictive spirit, the only evidence of any disposition upon his part to become active in any matter concerning the welfare of his wards is the stand he assumes as prosecutor in cases where his poor ignorant wards become involved in some petty whisky case. In this he seems to take great delight, affording him, as it does, an opportunity to make trips to Helena to attend the Federal court at the expense of the Government.

While I do not assume to criticize any man for the performance of his duty, I do strongly object to the discrimination that is practiced by Supt. McFatridge in this one particular matter. Many poor, ignorant Indians have been placed under arrest charged with having introduced liquor upon the reservation, even though the quantity is not in excess of one-half pint. He is confined in the agency jail at the will and pleasure of the agent; he is then taken to Helena, being unable to furnish bail; he is confined there for several months awaiting the action of the grand jury. Naturally the poor victim appeals to his friends for means with which to employ counsel. His people no doubt in many cases are in strained circumstances, and a lawyer's fee of \$100 or more causes them great distress. At last they are given the privilege of being arraigned before the court. He is confronted, in many instances, with framed-up evidence, trumped up by his own superintendent, and this individual, who is supposed to be his guardian and protector, is pleased to prosecute him and to send him to the penitentiary if possible. In the face of such circumstances the poor victim has no other alternative but to enter a plea of guilty to the charge. Sentence is imposed upon him, which, of course, under the statutes would be 60 days and a fine of \$100 as the minimum penalty. On the whole the individual has suffered imprisonment for several months, has paid out money for

his defense, and at the expiration of his sentence he is released, to return to the reservation disheartened, but with a feeling of antagonism toward the superintendent. No effort, it seems, is ever made on the part of the superintendent to apprehend the guilty parties who sell the liquor to these Indians.

Among the people of this reservation there are about 15 who are in progressive circumstances. The friendship of these men it seems to be the aim of McFatridge to have and to hold. It is this number of persons whose indorsements of McFatridge's administration that I offer for comparison with the denunciations of the rest of the population of this reservation.

Last spring a delegation of four full-blood Indians were in Washington, and at that time called upon the Secretary of the Interior and explained to him the starved condition of the Indians. Of course, the Secretary of the Interior endeavored to ascertain the truth of these statements, and certain other incidents occurred between then and the time that these Indians returned to the reservation. Upon their return to the reservation they were immediately escorted by police and taken to the office of the superintendent, where they were intimidated and threatened by the superintendent and were compelled to take back the statements which they had made to the Secretary of the Interior.

On the 12th instant I went to Denver, Colo., in company with one Wolf Plume, a full-blood Indian, for the purpose of attending the annual convention of the Association of American Indians, which was to be held in Denver October 14 to 20. Before that convention my companion, Wolf Plume, made certain charges against Supt. McFatridge, accusing him of maladministration of the affairs of this reservation, and in a general way denounced him as an unfit person to administer the affairs of these people, and gave an outline of the deplorable state of affairs as a result of McFatridge's mismanagement. Upon his return to the reservation Supt. McFatridge immediately caused him to be brought to his office, where he endeavored to cause him to repudiate the statements which he had made before the convention. In this case, however, he was unsuccessful.

Not being satisfied with the domineering spirit with which he rules over these people, he openly boasts of late that he can not be removed from office, and seems to pride himself in his ability to ward off an investigation of his dirty administration.

The condition of the majority members of this tribe is lamentable in the extreme, and I feel that I can not too strongly urge the need of an investigation, and I therefore submit the earnest appeal of the people that you take some action within the near future which will bring about remedies for these abuses, the result of the high-handed methods practiced, and the corrupt administration of affairs on the part of Arthur E. McFatridge.

I beg to call your attention to Col. Baker's adverse report under date of November 30, 1912, which is now on file in the Indian Office. Through that report the change of administration was strongly recommended.

Very respectfully,

ROBT. J. HAMILTON.

Lot No. 2.

STATEMENT IN THE CASE OF BERTHA LITTLE PLUME.

This case, the latest escapade of Supt. McFatridge, being of such recent occurrence and so flagrant in its nature, that I feel prompted to submit the same to you as a separate and specific charge.

The most salient features of this case are as follows:

First. The injustice done by committing Bertha Little Plume to jail without cause or provocation and confining her for one week without a trial.

Second. The fact that her 2-year-old child was confined in the jail with her.

Third. The contemptible excuse on the part of McFatridge to compel her to return to her husband.

Fourth. The attempt on the part of McFatridge to criminally assault her by force of his authority over her as superintendent and guardian.

I also submit this case to you for the purpose of exposing the diabolical nature of Supt. McFatridge and to ask your commission to cause such proceedings to be instituted against him, which, if the same can not bring about a conviction as a result of a criminal prosecution, then to have him removed from further superintendency of the affairs of this reservation.

ROBT. J. HAMILTON.

Lot No. 2.

PARTIAL LIST.

List of names of people who died as a result of lack of nourishment during the winter and spring of 1913.

1. John Calf Tail's son.	Moves Out.
1. Morning Eagle.	Big Wolf Medicine.
1. Tearing Lodge.	Many Guns.
1. Spotted Eagle.	Tom Veille.
1. Louis Champine.	Pete Veille.
1. Joseph Everes.	Charley Dust Bull.
1. Mrs. Bear Leggings.	Thomas Bear.
1. Big Crow.	James Pambrun.
1. Charles Iron Breast's little girl.	Black Sarcee.
1. Big Crow's son.	Louis Ell.
1. Mrs. Head Carrier.	Mrs. Richard Rutherford.
1. Bad Old Man.	William Croff.
1. Medicine Singer.	Weasel Head.
2. Mrs. Peter Champine's two children.	Double Rider.
1. Gambler.	War Bonnet.
3. Coat, his wife and child, all died within a week.	Mike Little Dog.
1. James White Calf's child.	Stabs by Mistake.
5. Peter After Buffalo's four children and mother-in-law.	Joe Head Carry.
2. Night Shoot's two children.	George West Wolf.
1. Orie Sheriff's child.	Richard Rondin.
1. Big Woman.	Fish Wolf Eagle.
1. Bad Marriage's little child.	Arrow Top Knot.
1. Antonie Big Brave's daughter.	Percy Bull's child.
1. Three Calves's daughter.	Eagle's child.
1. Running Back's daughter.	Fred Big Top.
1. Henry No Bear's daughter.	Blackfoot's child.
1. Blackfoot's child.	James Spotted Eagle.
1. Bear Paw's son.	Edgar Many Guns.
1. Mrs. Paul Double Runner.	Eagle.
Louis Champine.	Nicodemus Green.
Bad Marriage.	Paul Boss Ribs.
Joe Shorty Whitegrass.	Aims Back.
George Pablo.	Calf Look In.
Dog Ears.	Turtle.
Sam Middle Calf.	Jim Kidney.
John Kicking Woman.	James Bad Marriage.
John Croff.	John Shorty.
Johnny Morgan.	Red Fox.
Lazy Boy.	Charles New Breast.
Day Rider.	William Buffalo Hide.
Mike Day Rider.	Henry No Bear.
Elmer Butterfly.	Running Rabbit.
Albert Wolf Robe.	Wild Gun.
William Bear's child.	Rabbit.
Come in in the Night.	Henry Heavy Gun.
John Ear Rings.	No Runner.
Philip Arrow Top Knot.	Ground.
Silas Arrow Top Knot.	Iron Little Plume.
George Bull's child.	Frank Monroe.
Eddy Double Runner.	Big Brave.
New Breast.	Mrs. West Wolf.
Black Bear.	Antoin Mountain Chief.
Tom Jackson.	Yellow Wolf.
Many Tail Feathers.	Mrs. Bear Skin.
Boss Ribbs.	Mrs. Iron.
Lodge Pole.	John Ground.
John Head Carry.	Steve Mad Man.
Richard Calf Robe.	Mud Head.
Iron Eater.	Sam Scabbyrobe.
Flint Smoking.	Levi Rider.
	Peter Grant.
	Peter Weasel Head.

Stabs Down.
 Bear Head.
 John Black Bear.
 James Ground.
 Wolf Chief.
 Lone Mouse.
 Thomas Little Bear.
 Buffalo Hide.
 Tallow Ashley.
 Alex Guardipee.
 Cree Medicine.
 James Eagle Head.
 Medicine Stab.
 Heavy Gun.
 Mike Bad Old Man.
 Shorty White Grass.
 Under Bear.
 Joe Bear Paw.
 Wolf Eagle.
 Sam Rondin.
 Fine Bull.

Fox Old Man.
 Mrs. Weasel Fat.
 Mrs. Turn Lodge.
 Mrs. Catch on Top Gambler.
 Two Bear Woman.
 Henry Hungry.
 Charles Weasel Head.
 Mike Berry's child.
 Oscar Boyd.
 Shoot First.
 Charley White Swan.
 Paul Whitegrass.
 The Boy.
 Lewis Monroe.
 Baptiste West Wolf.
 John Running Crane.
 Myles Running Wolf.
 New Breast.
 Theodore Last Star.
 Tim No Runner.
 Dan Lone Chief.

STATEMENT IN REGARD TO STARVING CONDITION OF THE INDIANS.

Supplemental to all that has been said about the living conditions on this reservation, I beg to further state that the starving circumstances of the Indians are growing worse and the only hope of reverse lies in the powers vested in your joint commission.

About 68 per cent of the reservation population is in a most destitute and deplorable situation, because the Indians have a natural inability to raise any crops to gain a livelihood. The Indians have no more cattle and horses to sell by which they might provide for their families. Those who have horses to work have engaged themselves during the summer on the irrigation canals where they could scarcely make a living, owing to the fact that they receive very small wages and the proceeds of a day's labor go to the support of their families and feed for their horses, and sometimes they get into debt at the commissaries of the Reclamation Service, and it is therefore a physical impossibility for many of them to earn enough to lay abundant supplies in store for the winter. Those public works will soon be shut down for the winter, as the ground has begun to freeze and those who are able to work will be out of employment. In winter the snow is so deep that no one is able to haul any firewood to sell, and there is not much demand for hay because the post traders monopolize the hay market, as they buy all the hay from the Indians for a very small price in season, and besides their monopoly the Indians are too far from the railroad to ship any hay. No wild game and fish to depend upon within our reservation limits. All these facts, of course, are due to the mismanagement of our affairs by our present superintendent, Arthur E. McFatridge.

To prove the existence of these conditions, let facts and result of death rate during last winter be submitted to your commission for your consideration, also hundreds of witnesses.

ROBT. J. HAMILTON.

1. Joe Bull Child's daughter.
1. Many Tail Feather's daughter.
1. Mrs. Yellow Wolf's daughter.

With the exception of the following list of names, all of the full-blood Indians of this reservation are in destitute circumstances. This list sets forth the names of those full-blood Indians who are in a semiself-supporting condition.

I submit the same as a comparison with the majority members of the full-blood Indian population of this reservation.

Big Spring.
 Dog Taking Gun.
 E. Rattler.
 John White Man.
 Bull Calf.
 Judge Wolf Tail.
 John White Calf.
 John Night Gun.

Wolf Plume.
 Running Fisher.
 Joe Bull Shoe.
 Owl Child.
 Heavy Runner.
 Black Weasel.
 John Kipp Family.

STATE OF MONTANA, *County of Teton, ss:*

Peter After Buffalo, first being duly sworn, on oath deposes and says:

That in December, 1913, his daughter, Agnes, took sick and as she was getting worse and there was no employment to be had and his means were exhausted he went to Supt. McFatridge and asked him to issue him a ration ticket so that the child might be provided with food and to prolong her life, if it could not be saved; that he and family were in destitute circumstances and he explained and presented his case to Supt. McFatridge; however, he was refused his request and the girl died in January, 1913.

That about that time, because of their destitute circumstances, his mother-in-law, an aged woman, was taken with sickness and lack of food hastened her death; that she died January 14, 1913.

That his son, Billy, then took sick; that he again appealed to the superintendent for a little support, but he was told that he had horses which he could sell for the purpose of providing food for his family. His son died in March, 1913.

That his boy, George, then took sick in the spring; that again he went to the superintendent and appealed to him for aid; that, although it was in the spring of the year, he had no other recourse, as the work, which is practically the only work that they have to do, on the reclamation had not yet started; that he was again refused by the superintendent and his boy died in June, 1913.

That his oldest boy, Mike, was the last to be taken down with sickness; that he made a final appeal to Supt. McFatridge for help that his child might be saved; that he was refused, but was referred to Joe Brown who seems to be the acting superintendent; that upon presenting his case to Joe Brown he replied to him in very abusive language, saying "that he believed that he was lying and that he didn't have a sick child"; that he said, however, that someone would be sent to his home to ascertain whether or not anyone was sick there, but that no one ever came; that his son-in-law, George Wren, who is a mixed-blood Indian, then interceded for him with the agent; that after much argument he was successful in having a ration ticket issued to him; that his son died on June 23, 1913, making a total of five persons of his family who died as a result of lack of food.

Affiant further says that conditions became so bad that they were forced to eat squirrels and muskrats, and that on one occasion they were driven by the pangs of hunger to cook and eat a piece of rawhide which they found about the house.

Subscribed and sworn to before me this --- day of ---, 1913.

Notary Public for the State of Montana, residing at Browning, Mont.

My commission expires ---.

In the month of January, 1913, my little girl, 11 years old, was in a very weak condition as a result of a prolonged sickness of three or four months, and one day she told me that she had an appetite for oat meal and requested me to get some for her.

I went to Supt. McFatridge and stated the wish of my child, knowing that it could be had, as the same was on hand in the commissary for that purpose, and he referred me to the agency doctor.

I thereupon went to the agency doctor and told him that Supt. McFatridge had sent me to him and also for what reason. The agency doctor became very indignant and told me that he was not buying provisions for Indians. I explained to him that I did not expect him to do anything of that kind, but that the oat meal could be had from the commissary, and asked him to give me an order for the same. I was refused, however, by him, and I then went home and got the only animal that I had, which was a yearling colt, and sold him for \$10, and it was in this way that I managed to gratify the wish of my little child.

My child died during the month of February, her death being hastened by lack of food and proper nourishment.

MANY TAIL (his thumb mark) FEATHERS.

ROBT J. HAMILTON
P. H. KENNERLY.

STATEMENT IN THE CASE OF WOLF EAGLE.

Wolf Eagle is an old Indian, 66 years old. For some time past his eyesight has been very poor, and he has been reduced, because of his inability to perform any labor, to destitute circumstances. He has repeatedly appealed to Supt. McFatridge for assistance, but has been as often denied.

In the spring of 1913, according to Wolf Eagle's statement, he asked Supt. McFatridge for a set of harness, so that he could be equipped in a way to perform some labor on the ditch or canal which was about to be constructed. This request he was refused, but was ordered, however, to go to the ditch and go to work by Supt. McFatridge, and told that he was physically able to do so. Contradictory to this, however, I will state that Wolf Eagle, in addition to being a very old man, his eyesight has failed him, he has but one arm; but in spite of all of these physical defects, he has been all his life a hard and willing worker.

He further states that after his repeated appeal to Supt. McFatridge for some means of subsistence he was at last awarded with a ration ticket; that he received his rations, and his monthly rations consisted of one slice of bacon, sufficient for one meal, and also that he took the pains to count his ration of beans and found that there were exactly 100 in number.

It seems that the simple fact that an Indian has in his possession a ration ticket, the superintendent feels justified in sending in his report to the effect that the Indians are in a prosperous condition.

ROBT. J. HAMILTON.

STATEMENT OF MRS. MARY HICKSON CONCERNING THE CUT BANK INDIAN BOARDING SCHOOL.

The conditions which exist at the Cut Bank Boarding School are such as to make the school an unfit place for children to be detained. I have been told that the conditions have been reported to the Indian Office a number of times. I also have knowledge of the fact that it has been on many occasions reported to the superintendent of the reservation, and that also Supervisor Baker, of the Interior Department, submitted a report discussing the conditions as they exist at this school on the 30th day of November, 1912.

A few days ago I visited the Cut Bank Boarding School, where my children are attending school. I found them to be barefooted, half naked, dirty, and kept in a generally filthy condition. They also complained of being sickly and hungry. I reported these facts to Supt. McFatridge, and the only satisfaction which I received was his answer "that he would look into the matter." I told him that if such was not done that I would report the matter to the department. The superintendent then told me not to do so, as I would only be putting myself to a lot of trouble.

In view of all the efforts that have been made to bring about some remedy for the conditions which exist at the Cut Bank Boarding School and the seeming disregard on the part of the Indian Office and our superintendent to cause some remedy in the matter, I have no other recourse but to appeal to your commission, in the hope that you will give the matter your most earnest consideration and cause an investigation to be made at the earliest possible time.

STATEMENT IN REGARD TO THE RATION SYSTEM.

After strong appeals had been made to the Indian Office in Washington through tribal representatives and disclosure of the starving condition of the Indians was made, it was decided in order to maintain substance for the people during the winter to issue rations to those who were in actual need. Accordingly, the superintendent was instructed to ascertain the number who were in destitute circumstances and to provide for them in accordance with the needs of these individuals. Ration tickets were issued, and to those to whom such tickets were issued received a certain allowance of beef once each month. Other rations were issued consisting of flour, etc. I am reluctant to make any positive statement as to the amount of rations they were to be issued, as same might be contradictory to the outline of the instructions of the Indian Office. I will state positively, however, that I have ample proof to submit to

the effect that such instructions were not complied with and that the Indians were issued rations in such small quantities, if any, that a week's allowance would last them but one day. During the severe weather of February, 1913, the Indians were almost driven to desperation by hunger and were compelled on a cold, bitter morning to start from their homes before daylight in order to reach the agency in time to get their small allowance, and, as a result, many of them were compelled to return to their homes without the rations which were to be issued to them. I am told that they were required to sign at the end of each month a receipt that these provisions had been received.

ROBT. J. HAMILTON.

(Many witnesses can be called to testify.)

LOT NO. 3.

STATEMENT IN REGARD TO THE RESERVATION FENCE.

The reservation fence incloses the Blackfeet Indian Reservation on the north, east, and south sides, covers a distance of about 180 miles, and was constructed at a great cost to the Indians in the year 1905. To the best of my knowledge and information the cost was approximately \$56,000. Within a short time after the completion of the said fence large herds of cattle, belonging to cattle companies outside of the reservation, were permitted, through the "permit system" authorized by the department and upon the recommendation of J. H. Monteath, then superintendent of the reservation, to be pastured within the limits of the reservation, in spite of the protests of the Indians against the grazing of such cattle upon our reservation. The cattle were entered and remained within our premises for several years, and as long as these cattle companies were using our grazing lands the reservation fence was kept in order, but after the cattle were removed efforts on the part of the superintendents to keep the fence in good condition were discontinued and especially within the last three years.

Superintendent McEtridge assumed charge of the Blackfeet Reservation in the year 1910. Immediately after his incumbency of the office he seemingly decided to allow the fence to go to destruction, has permitted the ruination of the same, and has never during that time made any effort in the way of apprehending the persons who were guilty of destroying the fence; in fact, he has been the principal accessory to these offenses, because of the fact that he not only refused to prosecute the persons who have been caught in the act of destroying the fence, but has given permission to certain residents of this reservation to take the wire and posts from the fence and to use the same for their own personal benefit.

I herewith submit statements of Charles Chattin and others, and if an investigation is had to inquire into this matter hundreds of people can be called to testify as to the facts as herein set forth.

ROBT. J. HAMILTON.

Hundreds of witnesses can be had to testify to the above facts.

STATEMENT OF CHARLES CHATTIN.

I, the undersigned, am a white man, and I reside on the Blackfeet Indian Reservation by right of my wife, Levina, being a ward of the Government. During the month of October, 1912, I was employed at work by one T. H. Stagg, a homesteader, who resides near the Canadian boundary line, and which is also the northern boundary of the Blackfeet Indian Reservation. In performing this work I used a team of horses, the property of my wife. While thus engaged I traveled a distance of about 20 miles along the boundary line and I noticed the reservation fence to be in a dilapidated condition.

On or about July 18, 1913, I had occasion to travel over the same territory, and I noticed that most all of the posts which had been used for the fence were gone and the wire was lying useless on the ground.

I have knowledge of the fact that a number of these posts were used for firewood, and as far as I know no effort on the part of the superintendent of the reservation was ever made to prevent the destruction of this property or to apprehend the perpetrators.

To my knowledge there have been no line riders employed to keep the fence in repair for the greater part of the time since the incumbency of A. E. McFatrige of the office of superintendent of the Blackfeet Reservation, the only pretence in this respect being the employment of two men who are stationed at two separate gates which have long since become disconnected with the body of the fence.

Upon leaving the employ of the aforesaid T. H. Stagg, we had some difficulty over the amount that was due for my work. I submitted a complaint in the name of my wife, as a ward of the Government, to Supt. A. E. McFatrige and asked him to take some action to collect the amount due me.

McFatrige authorized O. G. Van Senden to arrest T. H. Stagg and to bring him to the agency. In due time, in company with O. G. Van Senden, we took T. H. Stagg before Supt. McFatrige in the latter's office; we then charged T. H. Stagg with having taken and burned the posts which had been used on the Government fence.

After explaining that it would be necessary for him to telegraph for money with which to pay the sum due me, T. H. Stagg was released on his own recognizance by Supt. McFatrige with simply an admonition to remain in town until the debt was settled. This was done despite my protests, and my suggestion that he be detained in the custody of the agency police, held in the jail, or otherwise.

On the following day T. H. Stagg went to the office of Supt. McFatrige and had a private interview.

The result of the whole affair was that T. H. Stagg left the town on the following night without paying the debt and without any formal charge being preferred against him by Supt. McFatrige for destroying, taking, and burning the posts which were a part of the reservation fence, despite the fact that I reported him and also the fact that he admitted his guilt in the presence of McFatrige.

(I have since been told that this leniency was extended by Supt. McFatrige because of the fact that T. H. Stagg is a member of a fraternal order, of which he, Supt. McFatrige, is also a member.)

C. H. CHATTIN.

Witnesses to signature:

ROBT. J. HAMILTON.

P. H. KENNERLY.

Witnesses to testify:

C. H. CHATTIN.

O. G. VAN SENDEN.

STATEMENT BY WILLIAM CROFF

I, the undersigned, am a resident of the Blackfeet Indian Reservation and a member of the Blackfeet Indian Tribe.

For a period of about three years I have had occasion to ride along the eastern boundary of the reservation while engaged on the round-up with the Floweree Cattle Co. and otherwise.

During the whole of that time I noticed the reservation fence to be in a demolished state; from the town of Cut Bank north to the Canadian boundary line, and which is also the northern boundary of the reservation, there were but a few posts left standing and a small amount of wire which was left was lying on the ground.

From the town of Cut Bank south to what is known as Flat Coulee, there were not any posts or wire left nor any signs that any fence had ever been there; from Flat Coulee south to the southern boundary of the reservation, there were but very few such indications.

To my knowledge, for a period of three years or more there haven't been any line riders employed on the eastern boundary of the reservation for the purpose of keeping the fence in repair or for any other purpose, nor any effort made by Supt. McFatrige to keep the fence in good condition, and the fence began to go to waste soon after he took the office of superintendent of the Blackfeet Reservation.

W. T. CROFF.

Witnesses to signature:

ROBT. J. HAMILTON.

P. H. KENNERLY.

STATEMENT OF MYLES RUNNING WOLF.

I am a resident of the Blackfeet Reservation and have for some time resided near and have had occasion to closely observe the reservation fence on the southern boundary of the reservation. To my personal knowledge for the last three years or more the fence has been allowed to go to waste and people have been permitted by the superintendent to carry away the wire and posts with which the fence was constructed. I also have knowledge of the fact that white settlers along the southern boundary of the reservation and along the reservation fence have surreptitiously removed the wire and used the same in the improvement of their homesteads.

No effort has ever been made to my knowledge on the part of Supt. McFatridge to prevent the destruction of this property, and at no time during the last three years or more have I known that any line riders have been employed to keep the fence repaired, with the exception of one man who is stationed at a gate which has long since become disconnected from the main body of the fence.

MYLES RUNNING WOLF.

STATEMENT OF GEORGE PABLO, ON RECORD AS "LINE RIDER."

I entered the Government service in the year 1910 as a laborer. My duties consisted of common labor in and around the agency. I was in the employ of the Government for a period of about 13 months, and during all of that time I didn't have any occasion to see the reservation fence, neither did I work at any time in the capacity of "line rider."

The inclosed document, accepting my resignation of my position, explains itself.

GEO. PABLO.

Witnesses:

ROBT. J. HAMILTON.

P. H. KENNERLY.

[DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, October 31, 1912.

MR. GEORGE PABLO,

(Through superintendent Blackfeet School.)

SIR: Your resignation as line rider, at a compensation of \$480 a year, at the Blackfeet Agency, Mont., is hereby accepted, effective at the close of business September 30, 1912.

In accepting this resignation the office is pleased to note that Supt. McFatridge has recommended you for reinstatement in a position of this kind in case you should make application therefor.

Respectfully,

E. H. ABBOTT, *Acting Commissioner.*

Lot No. 4.

DISCRIMINATION IN THE MATTER OF ENROLLMENT FOR ALLOTMENTS.

The fact that several people have been enrolled with the Blackfeet Tribe of Indians and are to-day holding allotments of land, and also the fact that a hundred or more people who are rightfully entitled to an allotment of land, but who are being denied their right, is due to discrimination exercised on the part of Supt. McFatridge and James Arnex, who was appointed to take testimony in the matter of applications and enrollment. This matter was taken up with the Acting Commissioner of Indian Affairs by the full delegation from this reservation last March, and again I reiterated my statements in this allotment matter in my letter to the Commissioner of Indian Affairs under date of July 9, 1913, asking that a supplemental allotment be made of all children born subsequent to June 5, 1912, the date of submitting the schedule of lands allotted to the several Indians on the reservation, and also others who are entitled to enrollment, and that they be enrolled and allotted.

The applications for enrollment with the Blackfeet Tribe of Indians were all filed in the Office of Indian Affairs.

I earnestly ask that your commission make a thorough investigation of this matter, so that such members of my tribe who are rightfully entitled to an allotment of land may be given their rights, and such steps taken by you as will determine who and who is not entitled to such allotments.

ROBT. J. HAMILTON.

Many witnesses can testify. R. J. H.

STATEMENT IN THE CASE OF JAMES ARNOX, WHITE MAN MARRIED WITH BLACKFEET TRIBE.

James Arnox, deceased, was a white man intermarried with the tribe, an ex-convict, having served a term in the penitentiary, and for a long time before his death the right-hand man of Supt. McFatrige. It was through their concerted efforts and schemes that much injustice was done the people here.

By some authority and upon the recommendation of McFatrige, James Arnox was appointed to take testimony in the matter of applications for enrollment at the time the reservation lands were being allotted. As the records will show, several people were allotted land who had no tribal rights or connections whatsoever with this tribe (James Arnox included), and a great many people denied their applications who were rightfully members of the tribe and whose applications are still being denied.

This injustice was done at the instigation of McFatrige and James Arnox, the latter being in a position to submit testimony which would tend to serve his own personal interests.

In some manner unknown to me James Arnox succeeded in having land allotted to him on the Blackfeet Reservation, in spite of the fact that he is a white man and has no other tribal connections than those rights which are enjoyed by other white men who are intermarried with the members of the tribe.

I submit this matter to your commission for a most thorough consideration.

ROBT. J. HAMILTON.

Many witnesses can testify.

A partial list of names of people who are entitled to allotments but who have been denied in the matter of their applications for enrollment:

1. Mrs. Annie Powell.
10. Mrs. Louise Tingley's grandchildren.
1. Mrs. Mud Head.
2. Mrs. Helen W. Hamilton.
2. Thomas Lowery's two children.
7. Henry La Buff and family.
3. Mrs. Victoria E. McKay and two children.
12. Edward La Grandeur family.
10. Pelky family.
3. Mrs. May Lippincott and two children.
3. Mrs. Mary Wall and two children.
7. Mrs. Blackhorn Juneau and children.
1. Mrs. (Little Antelope Woman) Harwood.

Lot No. 5.

STATEMENT IN REGARD TO THE STEAM PLOW.

Much discrimination has been practiced by Supt. McFatrige in allowing the use of the steam plow.

In 1912 A. E. Allison was permitted the use of the plow and he was charged so much per acre for the use of same. A number of other persons upon the reservation, who have been allowed the use of the plow, have also been charged for the use of it.

Early in the spring of 1912 Indians by the names of Brocky, Joseph Spanish, and several other full-blood Indians asked Supt. McFatrige for the use of the steam plow in order to break some land. The superintendent said, "There are no funds to operate the steam plow, but if you want to use it, put the money right here to pay the expenses for the use of the machine."

As the Indians had no money, they were, of course, unable to get the use of the plow.

The machine has laid idle at the agency during the whole summer.

Such discrimination I believe should have your thorough investigation, and also your investigation as to the disposition of the moneys received for the use of this plow should be had.

ROBT. J. HAMILTON.

STATEMENT OF MANY TAIL FEATHERS IN REGARD TO THE USE OF THE STEAM PLOW.

In the fall of 1912 I went to Supt. McFatrige and explained to him that as I was without horses and means with which to cultivate my land, I desired the use of the steam plow which was issued to the tribe for its benefit and use. I then requested Supt. McFatrige to plow some land for me so that I could put in a crop. He told me to wait until the spring of the year. This I was willing to do.

In the spring of 1913 I again went to Supt. McFatrige and again asked him for the use of the plow in accordance with his promise of the previous fall. He told me to wait until the following week. This I did. I then went to him repeatedly and made my request, until at last I saw that there was no use in asking him, for the reason that he had no intention of allowing me the use of it.

I felt that by breaking some of my land I could in this manner raise a crop which would help me along in the way of making a living.

To my knowledge, besides myself, Dick Kipp, and Big Mike, and several others requested the use of the plow, but their request was never complied with.

The plow has remained idle during the whole summer.

MANY TAIL (his thumb mark) FEATHERS.

Witnesses to signature:

ROBT. J. HAMILTON.

P. H. KENNERLY.

LOT No. 6.

SUPERINTENDENT ABUSES POWER—CASES OF MALCOLM BREMMER AND OTHERS.

The power of an Indian agent seems to be unlimited. The despotic air with which Supt. A. E. McFatrige exercises that power is displayed in cases where he jails one of his wards without cause or just provocation, without formally charging them with an offense, confining them as long as it suits his pleasure and releasing them at will.

This was done in the case of Bremmer and Henderson, whose affidavits and statements I attach herewith and also in the cases of many other persons.

ROBT. J. HAMILTON.

STATE OF MONTANA,

County of Teton, ss:

Malcolm Bremmer, of Browning, Mont., first being duly sworn, on oath deposes and says:

That on or about the 7th day of February, 1903, he and one James Henderson were hired to dig a grave for the deceased son of Isaac Cooper; that he and the said James Henderson dug the grave according to direction; that when the coffin was brought ready for interment it was found that the grave was not long enough to permit the coffin to be lowered into it; that charges were preferred against the said Malcolm Bremmer and James Henderson, said charges being of the purport that they had cut the end off of the outer box of the coffin in order to make it fit the grave; that such, however, was not the case.

Deponent further says that no witnesses were called nor any evidence submitted against them; that they were denied their right to trial and that Maj. A. E. McFatridge said that a trial was not needed.

Affiant further says that they were committed by the said Arthur E. McFatridge to serve 30 days in jail; that this affiant served 14 days and was released, and that James Henderson served 5 days and was released; further that Supt. McFatridge informed them that he would fine them the amount as set forth in the contract for digging said grave, and that in this manner affiant, together with James Henderson, were deprived of any compensation whatever for their services.

MALCOLM BRENNER.

Subscribed and sworn to before me this 14th day of April, 1915.

F. P. SHERBURNE.

Notary Public for the State of Montana.

Residing at Browning, Mont.

My commission expires October 25, 1915.

STATE OF MONTANA.

County of Teton, ss:

James Henderson, of Browning, Mont., first being duly sworn, deposes and says:

That on or about the 7th day of February, 1913, he and one Malcolm Bremner were hired to dig a grave for the deceased son of Isaac Cooper; that he and the said Malcolm Bremner dug the grave according to direction; that when the coffin was brought ready for interment it was found that the grave was not long enough to permit the coffin to be lowered into it; that charges were preferred against the said James Henderson and Malcolm Bremner, said charges being of the purport that they had cut the end off of the outer box of the coffin in order to make it fit the grave; that such, however, was not the case.

Deponent further says that no witnesses were called nor any evidence submitted against them; that they were denied their right to trial, and that Maj. A. E. McFatridge said that a trial was not needed.

Affiant further says that they were committed by the said Arthur E. McFatridge to serve 30 days in jail; that this affiant served 5 days and was released, and that Malcolm Bremner served 14 days and was released; further that Supt. McFatridge informed them that he would fine them the amount as set forth in the contract for digging said grave, and that in this manner affiant together with Malcolm Bremner were deprived of any compensation whatever for their services.

Subscribed and sworn to before me this 14th day of April, 1915.

JAMES HENDERSON

F. P. SHERBURNE.

Notary Public for the State of Montana.

Residing at Browning, Mont.

My commission expires October 25, 1915.

STATEMENT IN REGARD TO THE CASE OF BIRDIE BLACKBEAR AND OTHERS.

One of the most contemptible methods resorted to by Supt. McFatridge in his gross abuse of power is that practiced by him in trying to compel two persons to live together who have decided that they can no longer live in peace and harmony. He will jail such persons, most of whom are ignorant Indian women, keep them confined until such time as they will promise to return to their husbands.

Most pitiful among these is the case of Birdie Blackbear, who was jailed on four different occasions, and as part of her incarceration was confined in a dark closet for several days.

In support of the foregoing I submit herewith one or two statements of parties concerned.

ROBERT J. HAMMON.

Many witnesses can testify.—R. J. H.

Lot No. 7.

STATE OF MONTANA.

County of Teton, ss:

Samuel A. Seleman, being first duly sworn according to law, deposes and says, that I am principal of the Browning Public School; that on the afternoon of January 1, 1913, between the hours of 5 and 6 o'clock p. m., while in the Browning post office for the purpose of obtaining my mail, I noticed that the actions of the postmaster, I. T. Whistler, were very strange, and indications were that he was under the influence of intoxicants; that his conversation was loud and boisterous and altogether unbecoming to the dignity of his position; that his actions were noticed and remarked about by many patrons of the post office; that on the evening of January 1, 1913, about 8 o'clock, I was at the home of T. W. Wheat, a near neighbor of said postmaster, I. T. Whistler, when the stepchildren of said postmaster came through the snow, one of them being barefoot, in a great fright and asked for help, saying "that something awful was the matter with papa," referring to said I. T. Whistler; that I, T. W. Wheat, and Leslie Henderson hastened to the home of said I. T. Whistler and found him alone, his wife and Mable Hornbecker, a visitor, having left the house in search of help; that upon entering the room of said I. T. Whistler we found him in a condition that we judged to be crazy drunk, raving, swearing, crying, and calling for strychnine; that our efforts to pacify him were unsuccessful; that after working with him for about 10 minutes, Supt. A. E. McFatridge and Dr. O. S. Phillips arrived, having been summoned by wife of said I. T. Whistler; that said A. E. McFatridge addressed said I. T. Whistler, using the following words, "Ike, don't you know me, I am McFatridge," whereupon said I. T. Whistler replied, "McFatridge, God damn you, go to hell"; that all efforts to compose said I. T. Whistler were fruitless; that he continued raving, swearing, crying, and calling for strychnine; that he repeatedly made the statement in the presence of us all, including A. E. McFatridge, that he was drunk; that he had sent to Kalispell for 2 quarts of wine, and had drunk one of them; that about 9 o'clock of the same evening he went out of doors into a severe blizzard, efforts to prevent his doing so were in vain; that I, Samuel A. Seleman, upon the request of the family of said I. T. Whistler, searched for him until 12 o'clock of the same night, but could find no trace of him; that nothing was heard of him the next morning, and a general search was made; that he was found on the afternoon of January 2, 1913, in an Indian cabin about 6 miles east of Browning; that as a patron of the Browning post office, I do not consider a man of the character of said I. T. Whistler a safe person to handle the United States mails. Further, that a great many other than the regular post-office employees are allowed to handle and distribute the mails of said post office; that said miscellaneous help is conducive of much dissatisfaction with the local mail service.

SAMUEL A. SELEMAN.

Subscribed and sworn to before me this 12th day of March, 1913.

[SEAL.]

F. P. SHERBURNE.

My commission expires October 25, 1915.

STATE OF MONTANA.

County of Teton, ss:

I, J. T. Walter, being first duly sworn according to law, depose and say: That I have seen Postmaster I. T. Whistler, of Browning, Mont., in an intoxicated condition while on duty in the post office at Browning; that on January 1, 1913, he was crazy drunk and wandered out in a severe blizzard about 9 o'clock at night. A searching party found him about 4 o'clock p. m. on January 2, 1913, in an Indian hut about 6 miles east of Browning in a semistupid condition. I do not consider said I. T. Whistler a good man for postmaster; that several people besides the regular post-office employees have access to the mails while in course of distribution and afterwards, which results in a great deal of dissatisfaction on the part of the patrons of this post office; that said I. T. Whistler is reputed to be a very immoral man in his relation to women; that he is reputed to have one or more illegitimate Indian children on this reservation.

As a patron of the Browning post-office, I request that I. T. Whistler be immediately removed.

J. T. WALTER.

Subscribed and sworn to before me this 2d day of May, 1913.

[SEAL.]

F. P. SHERBURNE.

Notary Public in and for Montana, residing at Browning.

My commission expires October 25, 1915.

STATE OF MONTANA.

County of Teton, ss:

I, Mary Running Rabbit, being first duly sworn according to law, depose and say: That I am 30 years of age; that I am a ward of the Government, being a Piegan Indian; that I am the mother of a child 4 years old, named Mary; that the father of my child is I. T. Whistler, postmaster at Browning, Mont.; that said I. T. Whistler led me to believe that I would be his wife; that he deceived me in doing so; that I have applied to Supt. A. E. McFatrige, agent of the Blackfeet Reservation for help to persuade said I. T. Whistler to help support my child; that said Supt. McFatrige refuses to lend me any aid; that said I. T. Whistler refuses to give me any assistance.

MARY (her X mark) RUNNING RABBIT.

Subscribed and sworn to before me this 25th day of April, 1913.

[SEAL.]

F. P. SHERBURNE.

Notary Public in and for Montana, residing at Browning.

My commission expires October 25, 1915.

ORRIS SHERIFF.

Interpreter and Witness.

Lot No. 8.

STATEMENT IN THE CASE OF MRS. JOHN ELDRIDGE.

Mrs. Eldridge, who is now an inmate of an insane asylum, was a ward of the Government and a full-blood Blackfeet Indian woman. Her husband, John Eldridge, is a white man. About five or six years ago Mrs. Eldridge was committed to an institution for the insane in North Dakota and is, at the present time, an inmate of such institution.

At the time Mrs. Eldridge was taken away she had as a ward of the Government considerable property, horses and cattle. A few years ago, upon the representation and request of John Eldridge, Superintendent McFatrige granted him permission to sell all of the cattle which belonged to Mrs. Eldridge. Some of the cattle mentioned above belonged to an aged brother of Mrs. Eldridge, who is now dead. Upon the disposition of this property Mr. Eldridge, however, did not pay one dollar to this Indian before his death.

Francis Shildt, is a white woman, and was formerly married to a member of this tribe, Harry Shildt. A few years ago Harry Shildt was taken up by the Canadian authorities for some minor infraction of the laws of Canada and was detained there for two years or more. John Eldridge then, upon the pretense of employing the said Francis Shildt as his general housekeeper took her to his ranch, and since that time lived in open adultery with this woman, who has not been divorced from her husband.

These facts are known to Superintendent McFatrige and he knows that such conditions still exist, but no action has ever been attempted on his part.

ROBT. J. HAMILTON.

(Many witnesses can be called to testify to the above facts.—R. J. H.)

STATEMENT IN THE CASE OF LOUIS MARCEAU, CHIEF OF POLICE.

Louis Marceau is the chief of Indian police and is closely associated with Superintendent McFatrige because of his duties.

A few years ago Louis Marceau became estranged with his wife, who is also an Indian. They separated, and since that time the said Louis Marceau has lived in open adultery with one Emma Munroe, an Indian woman, who was

formerly married to Louis Monroe. Neither one of these parties at this time has a divorce.

These conditions and practices exist with the knowledge of Superintendent McFatrige and within a short distance from his home, yet nothing is done by him to prevent such shameless conduct.

I submit this case also for the purpose of showing to your commission the discrimination practiced by Superintendent McFatrige.

ROBT. J. HAMILTON.

(The majority of the people of Browning know of this case.—R. J. H.)

STATEMENT IN THE CASE OF FRED BARNES.

This case is submitted to you for the purpose of showing the mean attitude of Supt. McFatrige and the abuses of his power; also the exercise of his authority in cases where he desires to gratify petty personal spite.

Sometime during the month of February, 1913, one S. A. Selecman, principal of the public school at Browning, became involved in an altercation with the son of Supt. McFatrige. The result of that altercation was a beating for young McFatrige at the hands of Mr. Selecman. After this affair, without any trial or hearing of any kind, Mr. Selecman was ordered by Supt. McFatrige to leave the reservation.

Appreciating the injustice of the whole proceedings, the residents of this reservation called a meeting and decided to interest themselves in behalf of Mr. Selecman, and to present his case before the proper authorities. A committee was then elected, of which Mr. Barnes was elected secretary. The necessary steps were then taken to present the case to the Indian Department at Washington, and the result of the whole affair was that the action of McFatrige in ordering Mr. Selecman from the reservation was overruled and he was permitted to return to the reservation.

Apparently, not being satisfied with his efforts in the case of Selecman, and keenly feeling his disappointment, McFatrige then resorted to his petty schemes, and in order to gain some satisfaction in the aforesaid matter, he directed his attention to Fred Barnes.

Subsequent to the action in the case of Mr. Selecman, and upon his return from Washington, D. C., Supt. McFatrige boasted that he would, "Get Mr. Barnes, and that he would have him ordered off the reservation." Within a short time thereafter he, accordingly, submitted a charge to the Indian Office at Washington, accusing Mr. Barnes of having gambled on the reservation. In due time Mr. Barnes was notified of this charge and was allowed but 10 days from the date the letter was written in which to submit his defense. The letter, attached herewith, explains the manner in which Supt. McFatrige was upheld in his action by the Indian Office, and it was only because of the fact that the assistance of Senator T. J. Walsh was secured that Mr. Barnes was able to obtain any justice in this matter.

A number of people can be called at the proper time to testify in regard to extraneous facts in this case.

ROBT. J. HAMILTON.

Witnesses who can testify: Fred Barnes, John Merchant, and R. J. Croff.

[Inclosure.]

BROWNING, MONT., May 29, 1913.

To the Honorable Commissioner of Indian Affairs, Washington, D. C.

SIR: I have your letter of the 14th instant. I wish to protest very strongly on the short time given me in which to present my case. I received your letter very late in the afternoon of the 17th, and, in order to get my reply to you at Washington in time, I have two days only (one of them Sunday) in which to get ready. This is altogether too short a time for me to obtain the evidence I consider necessary. I will also ask that I be given a hearing before some party, or parties, who are not biased and who will not convict me before hearing my evidence.

I can not remember at this time every place I was during the 16th of April last, and would have to have a little time to prove definitely just where I was, but I can positively assert that Henry Lehr was not in Browning on that date. I shall have to ask for further time to answer this charge, and I also wish to employ counsel.

I beg to call your attention to the fact that A. E. McFatridge, in charge of this reservation, is trying to make this case against me, because of a personal grudge, owing to the fact that I was one of the committee of citizens who objected to the summary treatment which Mr. McFatridge gave to Mr. Sealeman.

As I was secretary of that committee, Mr. McFatridge, on his return from Washington, told some parties that he was going to have me ordered off the reservation, and I judge that this is his manner of proceeding. I am not aware that gambling, as it has been practiced on this reservation, is an offense, and I have the authority of Mr. McFatridge that there is absolutely nothing in the law regarding gambling as a misdemeanor. I also know that there is nothing in the laws of this State making gambling a misdemeanor, except in the case of a man who runs a percentage game, and I am not accused of that.

If Mr. McFatridge knew that I was gambling with Mr. Dennison, why did Mr. McFatridge allow Mr. Dennison to continue the business of buying and selling horses even after he had made charges against me?

Why does Mr. McFatridge permit a white man, who has absolutely no family connection with this tribe, such as I have, to remain on the reservation after he, himself, found this man in a drunken condition, especially in view of the fact that this same white man has an illegitimate child by an Indian woman of this tribe? This woman is a consumptive (very far gone) and has absolutely no means of support, yet Mr. McFatridge refused to make this white man contribute to the support of his child, and numbers this same man among his friends. Am I any more detrimental to the Indians than this friend of Agent McFatridge?

I am also aware that a game has been played in Agent McFatridge's house in which cards and poker chips were used. If I had been caught in this predicament it would have been considered sufficient evidence by Mr. McFatridge that I had been gambling.

I also know of white men on this reservation who had whisky with the agent's knowledge, and, as far as I know, still keep whisky in their houses. Nothing has been done to these men. They were friends of the agent. Am I more detrimental to the Indians than those men?

I also assert that Leslie V. McFatridge, son of the superintendent, McFatridge, signed an agreement with the school board of this district, and in this agreement claimed to be the holder of a teacher's certificate from this county, which statement he knew to be false when he made it; further, that Leslie V. McFatridge accepted money on this false statement. Surely this is a splendid example in honesty for the Indians coming from an agent's son.

I can also prove that Mr. McFatridge has lied to his Indian wards, and that they have made him acknowledge it. These wards have no confidence in McFatridge as an agent, yet he is the man who says that I am detrimental to the Indians.

I also further assert that the wife and son of Agent McFatridge have at times during his absence usurped the office of agent, and their word has been law to the extent of forbidding such harmless pastimes as basket-ball games and dances, with no other idea than to show their authority.

I can furnish proof of all the charges I have made here, and will do so if called upon by the proper authorities.

It is because I have taken exceptions to his treatment that I have incurred the wrath of the agent. If I had bowed down and worshipped, as some of the others have done, there would have been no charges against me, but because I have stood up for the rights of my family and myself I am to be subjected to everything he can direct at me.

I came to this reservation seven years ago and married a member of this tribe about six years ago. Since I have been here I have worked steadily, and have at all times supported my wife and two children by my honest labor. I have never called on the Government for assistance in any form. I can refer you to any person residing on this reservation, not under the direct influence of the agent, for my character since I have been here, and I have already furnished your office with references before that time.

I am under the impression that the fact of my marriage into the tribe gives me the right of residence here the same as any other member of this tribe, and that any action removing me from my family would be unconstitutional. If I am guilty of any offense in the eyes of the law there is a court to prosecute me, and I am ready to stand trial. If I am not guilty of any offense, there is no reason to remove me. I demand the right for a full and complete hearing before impartial judges: I maintain that I am no more detrimental to

the peace and welfare of the Indians than any other white man here, and I ask the right to prove it. I deny that I have committed any offense against the law, and I reassert that Mr. McFatridge is bringing this charge against me from purely personal spite.

I trust that I have made my position clear, and that you will withhold any action on this matter until I am given a chance to prove my statements.

Yours, respectfully,

(Signed) F. H. BARNES.

On Thursday evening, September 25, 1913, four white men arrived in Browning at about 8 p. m. in an automobile. These men were all in an intoxicated condition, and upon registering at the hotel and being assigned rooms the town marshal discovered that they had in their possession a quantity of liquor. He immediately placed them under arrest and confiscated a quart bottle which contained whisky. This was taken as evidence against the men who were immediately placed in jail. After their arrest, on the following morning, Friday, September 26, Supt. McFatridge instructed his police to bring these men before him in his office. This was done, and within a short time thereafter the men were released without any charge being preferred against them, despite the fact that they were guilty of introducing liquor upon the reservation and with conclusive evidence to prove their guilt. The names of these men are as follows: C. E. Plunkett, J. D. Harrison, A. F. Turner, and D. M. Mooney, all of Chesaw, Wash.

Since the time of the incumbency of Supt. McFatridge of the office of superintendent of the Blackfeet Reservation he has been guilty on many occasions of the practice of such discrimination, such discrimination usually being in favor of white men or some one who is in a position to protect himself, and against his wards and those against whom he holds a petty personal spite.

To substantiate the foregoing I attach the names herewith of certain persons who can be used as witnesses.

ROBT. J. HAMILTON.

Witnesses who can testify: Mamie Shoons, James No Chief, P. H. Kennerly, and others.

STATEMENT IN REGARD TO ESTRAY LIVE STOCK.

It is the customary rule in the matter of all estray live stock, where the same has been consigned to live-stock commissions, in the Chicago markets or elsewhere, to have the proceeds from the sale of such live stock sent to the secretary of the board of stock commissioners at Helena, Mont., where the owners of the live stock are ascertained by means of records in the office of the secretary of the board of stock commissioners, where such brands and owners are recorded. From there such proceeds are transmitted to the owners of the stock through the office of the superintendent of the Blackfeet Agency. I am of the opinion that a great number of such estrays have within the last few years been shipped from this reservation, and that no account has been made of the proceeds from the sale of such stock.

This matter of moneys paid for estray cattle and horses to the secretary of the board of stock commissioners, and also individual claims against the railroad companies for damages, are two important matters which, I believe, require a thorough investigation, from the records of the office of the superintendent of this reservation.

ROBT. J. HAMILTON.

ITEM 7 FROM REPORT OF SENATE COMMITTEE ON INDIAN AFFAIRS.

That during the summer of 1910 he sent one Jimmie Arnoux, an ex-convict, to go with Bear Skin and his daughter, Mrs. Yellow Wolf, to the Crow Reservation, in Montana, to receive an inheritance from a Crow Indian relative who died there. From rough information, I understand this case involves about \$3,000, but thus far these heirs have not received a cent of the said inheritance, and they would like to know who appropriated the proceeds of the same. I am satisfied that Bear Skin and his daughter, Mrs. Yellow Wolf, have got nothing yet, and the matter is worthy of a thorough investigation.

ROBT. J. HAMILTON.

GOVERNMENT HIDES SOLD AT PRIVATE SALE INSTEAD OF AT AUCTION.

In 1913 the Government hides were to be sold to the highest bidder at a public auction. The firm of Walker & Andersch, of Great Falls, Mont., asked for notice and sealed bids, so that they could submit their bid.

In due time the said firm submitted their bid, which, it was afterwards learned, was 23 cents per pound.

Some time afterwards Mr. Walker, of the said firm, came to the Blackfeet Agency to inquire as to the hide situation, and upon inquiry Mr. Walker was informed that the hides had already been sold.

McFatrige sold the hides for 21 cents per pound.

I am informed that Mr. Walker has already made a statement in regard to the matter and has filed his protest on account of the manner in which he was treated.

Hebbord, Stewart & Co., of Seattle, Wash., were the buyers of the hides.

The facts in this case indicate that the sale of these hides was not conducted in an honest manner, and I believe that the matter is worthy of an investigation.

ROBT. J. HAMILTON.

STATE OF MONTANA,

County of Teton, ss:

Dog Taking Gun, an Indian, and a resident of the Blackfeet Reservation, being first duly sworn, upon oath deposes and says:

That he delivered one dry cow for beef to the Government in July, 1913; that when he went to the office of the superintendent for his pay he was told that the cow got away before it was butchered; that the cow was weighed, accepted, and placed in the Government corral under lock and key after he was told the weight of the animal; that to this day he has never received a cent for the aforesaid animal.

DOG TAKING (his thumb mark) GUN.

Subscribed and sworn to before me this 1st day of November, 1913.

F. P. SHERBURNE.

Notary Public for the State of Montana,

Residing at Browning, Mont.

My commission expires October 25, 1915.

(Witnesses to the foregoing facts: Dog Taking Gun, Jos. Sherburns, Barking Fox, Jos. Brown.)

STATEMENT IN THE MATTER OF CERTAIN BANDS OF SHEEP PERMITTED TO GRAZE UPON THE RESERVATION.

About the 1st day of October, 1913, two men drove upon the reservation a large band of sheep, the property of one William Cargo, of Choteau, Mont. Luther Smith and George Cordura, both of Choteau, were the men in charge of the sheep. These sheep were driven upon the allotment of an Indian by the name of John New Breast, in spite of his protests. The sheep were allowed to remain on this allotment for three days and three nights, causing great damage thereto. In explanation the two herders said that they had authority from Supt. McFatrige for driving and passing across these lands and to take all the time in so doing that they desired. The herders also told the owners of these allotments that they had paid a grazing tax to Supt. McFatrige in the sum of \$80. The Indian allottees who were thus damaged on account of the sheep being allowed to cross their allotments have never received any account from the superintendent as to what disposition was made of the funds thus received.

Besides this particular case there are a number of others in which a sum of money was paid to the agent as grazing tax.

I believe that these cases are worthy of an investigation by your commission.

ROBT. J. HAMILTON.

(Witnesses who can testify: New Breast, John New Breast, Yellow Owl, Mrs. Yellow Owl.)

STATEMENT OF MYLES RUNNING WOLF.

I, the undersigned, am a member of the Blackfeet Indian Tribe and I reside upon the Blackfeet Indian Reservation.

In the month of June, 1913, I made a formal application to Supt. McFatrige, of the Blackfeet Reservation, for a team of horses, under and according to the agreement of the 4 per cent reimbursable fund. My application was granted and I was told that a team which was the property of one Jessie Brown could be had for the sum of \$350, the same to be paid for as set forth under my agreement No. 79. Upon my inquiries I was told by Joseph Brown, who represents the Government in this reimbursable purchase, that the horses were sound in every way and represented them to be unblemished and strictly up to the specifications governing such transactions. Upon such representations I accepted the team of horses and signed a contract. After the animals had been in my possession for about one week I discovered that one of them was afflicted with an incurable disease, known as fistula, and that contrary to representations, one of the horses was pronounced by experts to be at least 20 years old and the other about 15. After I discovered these defects and the extreme age of the animals I protested to Joseph Brown, who referred me to Supt. McFatrige, and they both insisted that I should retain possession of the animals, because of the fact that I had already signed the agreement. In substance, Joseph Brown said to me: "It is too late, you have already signed the contract and accepted the horses, and I can not exchange them because one of them has a little sore neck; you will have to take them."

For the reasons as set forth herein the horses are practically worthless to me, as I am unable to use the one which is so afflicted and to use either of them to any great extent because of their age.

I am of the opinion that these horses were forced upon me because of the desire on the part of Joseph Brown to favor the original owner of the horses, Jessie Brown, who is a brother of Joseph Brown.

MYLES RUNNING WOLF.

(Myles will furnish witnesses and evidence.)

STATEMENT OF ELI RIDER IN THE MATTER OF THE LEASING OF HIS ALLOTMENT.

I am a full-blood Indian, a member of the Blackfeet Indian Tribe, and I reside on the Blackfeet Indian Reservation.

In the month of June, 1913, I asked A. E. McFatrige, superintendent of the Blackfeet Indian Reservation, to give me a permit to lease my allotment of land to Thomas Dawson, also an allottee, who proposed to fence my land for the use of it. This was satisfactory to me, as I didn't have the necessary means with which to build improvements on my land.

Supt. McFatrige refused to grant my request, but later, when I went to where my allotment is located, I found that a white man by the name of Brewster, head of the Brewster Transportation Co., had taken charge of my allotment, had built corrals, and was grazing his stock upon the same. When I asked the said Brewster by what right or authority he was there, he said that he had permission from Supt. McFatrige to range his stock on my allotment and that he had paid McFatrige for the use of it.

Upon this information I went to the agency to see McFatrige about the matter. He told me that the Indian Department at Washington had leased to Mr. Brewster my allotment and those of my family, and that no compensation for same had ever been received by him.

MR. ELI RIDER.

Witnesses to signature:

ROBT. J. HAMILTON,

JOHN HUNSBERGER.

LOT No. 9.

STATEMENT OF THE CASE OF LOUIS PAMBRUN.

I am the wife of Louis Pambrun, deceased, who was a ward of the Government and a member of the Blackfeet Tribe.

In the fall of 1910 my husband, Louis Pambrun, entered into an agreement with the firm of McCabe & Barrett, post traders, by the terms of which my

husband was to deliver to the firm of McCabe & Barrett about 75 tons of hay, f. o. b. on cars at Blackfoot Station.

During the month of November, 1910, Mr. Pambrun was taken sick and while confined to his bed the work of baling the hay was done. Mr. Pambrun then directed our son Dave and others to begin with the work of delivering the hay on the cars at Blackfoot Station, about 2 miles distant from our ranch.

Settlement was to be made as each car was loaded, but this proviso was not complied with.

When two cars had been loaded and the men were at work loading the third car, without the consent of or any authority from Mr. Pambrun, the said firm of McCabe & Barrett caused the two cars of hay to be shipped without paying for same or carrying out the terms of the agreement. Upon being informed of this action on the part of McCabe & Barrett, Mr. Pambrun had the third car of hay held, and demanded payment for the other two cars of hay. He then caused the hay in the third car to be unloaded, after which McCabe & Barrett surreptitiously caused the hay to be reloaded, placing locks upon each door of the car.

Upon his being apprised of the matter, Mr. Pambrun instructed our son Dave and others to demand of the employee of McCabe & Barrett to open the door, and upon his refusal to do so our son Dave Pambrun and others broke one of the locks on the door and unloaded the hay.

Mr. McCabe, of the firm of McCabe & Barrett, then went to Cut Bank, a town on the eastern boundary of the reservation, with instructions from McFatridge to prosecute the owners of the hay in the State court for resisting the post trader to rob them in such a manner, and caused warrants to be issued for the arrest of our son, Dave Pambrun, Joseph Spanish, Willie Spanish, Champigne, and Vielle.

In due time the deputy sheriff of Cut Bank went upon the reservation and placed the men under arrest on a charge of burglary. They were then taken to Cut Bank, where bail was promptly furnished, and their hearing set for the 23d of December, 1910.

During the time this hearing was pending before the justice court at Cut Bank, Mr. Pambrun, then on his deathbed, pitifully appealed through me and sent me to Supt. McFatridge for protection of his interests. At each time, however, that I called upon Mr. McFatridge I met with a very cold reception and was refused any assistance whatsoever, which refusal clearly indicated that Mr. McFatridge was looking after the interests of the post traders instead of the Indians, contrary to the instructions of the Indian Department. Mr. Pambrun then appealed to the Commissioner of Indian Affairs in Washington, and received two or three telegrams to the effect that "Superintendent was instructed to look after the interest of Indians."

Failing in his efforts to obtain assistance from Supt. McFatridge and the Indian Office, Mr. Pambrun then engaged Attorney John W. Coburn and P. H. Kennerly, the latter an Indian and a ward of the Government, to represent the interests of the accused. The State was represented by the county attorney, O. D. Gray.

A hearing was had before the justice court at Cut Bank, and the defendants in the action were speedily acquitted or discharged.

Within 10 days after the exoneration of these defendants, Mr. Kennerly, at the instigation of Mr. McFatridge, was placed under arrest and charged with having introduced liquor on the Blackfeet Reservation. Much persecution followed, and six months later Mr. Kennerly was brought to trial before the United States district court in Helena, Mont., and the result of that trial was a speedy acquittal, upon the showing of Mr. Kennerly that the prosecution was based upon prejudice and malice, on account of the active part that he took in the Pambrun case.

After the hearing in the justice court at Cut Bank and after Mr. Kennerly's arrest, Supt. A. E. McFatridge persisted in his efforts to cause Mr. Pambrun all the trouble and mental worry possible. I have no hesitancy in saying that on account of the persecution of Supt. McFatridge, the death of Mr. Pambrun was hastened.

It was midwinter; Mr. Pambrun was sick in bed; and we had a large family dependent upon him for support. Our family was in a destitute condition, and when Mr. Pambrun again appealed to Supt. McFatridge for permission to sell the rest of his hay, for the purpose of buying food for his half-starved family, Supt. McFatridge stubbornly refused to grant such permission, and the hay re-

mained exposed to the elements where it finally rotted, and Mr. Pambrun never received any benefit from his property.

Mr. Pambrun died on March 17, 1911, without ever having come to a definite accounting with the firm of McCabe & Barrett for the two cars of hay.

After the death of Mr. Pambrun, Supt. McFatrige refused to allow me to sell any portion of the said hay in question in order to give my husband a decent burial.

Respectfully submitted.

Mrs. ANNIE PAMBRUN.

STATEMENT IN THE CASE OF MINNIE WALTERS, AN INDIAN, *v.* H. AMMANN, POST TRADER.

About one year ago Aaron Walters, acting as agent and employee of Minnie Walters, performed certain labor at Browning for the Great Northern Railroad Co.

This work consisted of freight hauling and required altogether the use of horses; the horses used in this work were the property of Minnie Walters.

At some time previous to the performance of this labor Aaron Walters contracted a debt with H. Ammann, post trader.

Before a settlement was had by Mrs. Minnie Walters with the Great Northern Railroad Co., H. Ammann caused a writ of attachment to be sued out in the justice court at Cut Bank, which writ was duly served upon Aaron Walters, and the amount due Mrs. Minnie Walters as compensation for the services in which her teams were employed was held, upon her protest that the money was rightfully hers.

Later legal proceedings were instituted by the Great Northern Railroad Co. to compel the defendant parties to appear before the court, that it might be ascertained as to who was rightfully entitled to the money due from the railroad company.

Mrs. Minnie Walters then appealed to Supt. McFatrige for assistance in the matter, but she was told that he—Supt. McFatrige—could do nothing for her, insisting on her paying the bill which was contracted by her husband.

She then engaged the services of an attorney and her case was filed in the district court in November, 1912.

The case was called for trial on the 9th of April, 1913, in the district court at Great Falls, Mont., at which time Mrs. Walters, with her witnesses, appeared, ready for trial, but on account of the failure of H. Ammann to appear and the gross negligence on the part of his attorney, the case was postponed until some time in August.

This case involves a sum of about \$300.

At the time of this indenture the case is pending before the district court in Great Falls, to be heard on the 4th day of November, 1913.

ROBT. J. HAMILTON.

Witnesses who can testify: R. J. Hamilton, P. H. Kennerly, John La Mott, Minnie Walters, Aaron Walters, George Cook.

STATEMENT IN THE CASE OF MRS. WILLIAM CROFF.

In the month of February, 1913, Mrs. William Croff was granted a decree of divorce by the district court in Kalispell, Mont. The provisions of that decree also awarded Mrs. Croff certain live stock which were upon the Blackfeet Reservation and also other property. Since that time, however, she has experienced a great deal of trouble on account of the stand that Supt. McFatrige took in favor of her former husband, Hunter Powell, who is a Bannack Indian and who has no connection with this tribe of Indians, although he was allotted land upon this reservation.

Supt. McFatrige on several occasions has refused to recognize the action of the court in awarding Mrs. Croff the above-mentioned property, but has acted in open disregard of same. He has caused, as I have stated, Mrs. Croff much annoyance and trouble and within a day previous to the present writing he caused these animals to be forcibly taken from Mrs. Croff and locked in the Government pasture, pending his own personal action in the matter.

An effort is now being made to have the said Supt. McFatridge cited for contempt of court.

I submit a copy of the decree issued by the district court at Kalispell.

ROBT. J. HAMILTON.

Witnesses who can testify: William Croff, Sophia Croff, R. J. Hamilton, P. H. Kennerly, court record.

[In the district court of the eleventh judicial district of the State of Montana, in and for the county of Flathead. Sophia Powell, plaintiff, *v.* Hunter Powell, defendant. Decree—divorce.]

This cause coming on for hearing on this the 19th day of February, 1913, the same being a day of the regular term, to wit, of the 1913 term of this court; the plaintiff appearing in person and by her attorney, M. D. Baldwin, the defendant being called in the manner provided by law, comes not, but makes default as to both appearance and plea, which default has been duly noted and entered.

And it appearing to the court that the defendant has been duly and legally served with summons, together with a copy of the complaint filed herein but has wholly failed to appear as provided by law. Whereupon the plaintiff submitted testimony in proof of the allegations set forth and contained in her said complaint; the court hearing all of said evidence and fully examining the pleadings herein, finds that all of the material allegations contained therein are sustained and proven by the testimony, and that the equities are with the plaintiff; and that is now, and has been for more than two years last past, a bona fide resident of the county of Teton, State of Montana.

The court further finds that the plaintiff is entitled to a divorce as prayed for upon the grounds of wilful neglect and desertion; and that said plaintiff is a proper person to have the care and custody of said minor child, Helen Powell, the issue of the marriage between the parties hereto; also that said plaintiff is entitled as her separate estate to such live stock upon the Blackfeet Indian Reservation of Montana, as bears her individual brand of "746" branded in a perpendicular manner on the left side or left thigh of such live stock; and also one wagon and double harness.

It is therefore ordered, adjudged, and decreed, and the court does hereby order, adjudge, and decree, that the bonds of matrimony heretofore existing between the plaintiff and the defendant be, and they are hereby, severed and between the plaintiff and the defendant be, and they are hereby, severed and and that the custody of said minor child, Helen Powell, be, and the same is hereby, awarded to said plaintiff; and that she is hereby restored to her maiden name of Sophia Monroe; and that said defendant be restrained from in any way interfering with the property herein named and being the separate estate of said plaintiff.

J. E. ERICKSON, *Judge*.

Dated February 19, 1913.

CASE OF MRS. JOHN KIPP.

Several years ago an Indian died leaving a will by which his sister, Mrs. John Kipp, was named as one of the beneficiaries. Among certain other property that was left Mrs. Kipp was the house of the deceased.

A short time after, Wolf Tail, one of the judges of the Indian court, took possession of this house and has refused to pay Mrs. Kipp for the same or to give her any satisfaction in the matter of a settlement for her property.

Mrs. Kipp then applied to Superintendent McFatridge, and at last was able to bring about a trial of her case which was authorized by Superintendent McFatridge before the Indian court at Browning. The principal feature of this part of the proceedings is the fact that Wolf Tail was permitted by Superintendent McFatridge to preside as one of the judges in that trial. Of course, the verdict of the court was that Wolf Tail should retain possession of the property.

Mrs. Kipp then employed a lawyer in Helena, advancing him a retainer of \$50, but after her attorney endeavored to secure the will of the deceased, he was told by Superintendent McFatridge that same was not on file in his office. For this reason Mrs. Kipp, of course, has no standing and is unable to proceed

with her case before the court. She is therefore, desirous that your commission investigate the matter of her claim against Wolf Tail, and to cause such action to be taken as will result in a just and fair determination of the case.

ROBT. J. HAMILTON.

Witnesses who can testify: Mrs. John Kipp, Jos. Kipp, Willie Kipp, and R. J. Hamilton.

In the spring of 1913 an Indian by the name of Three Calves lost a horse, which he later found in the possession of W. A. Brewster, who is at the head of the Brewster Transportation Co. in Glacier Park. Upon the discovery of the animal Three Calves took his property to the agency and reported to Supt. McFatrige that the horse had been branded by the said W. A. Brewster. The horse was found to bear the brand of Brewster and which brand at the time had the appearance of having been recently put upon the animal. Instead of prosecuting Brewster, McFatrige ordered Three Calves to take the horse back to Brewster, saying that he must have bought the animal from some one else. Three Calves claims that he never sold this animal to anyone, nevertheless he was in this manner forcibly deprived of his property.

ROBT. J. HAMILTON.

Witnesses who can testify: Three Calves, George Starr, R. J. Hamilton, Black Weasel.

THE CASE OF ERNEST CUT FINGER, AN INDIAN.

Several years ago Ernest Cut Finger bought a horse of one Charles White Swan, who claimed that the colt bore the brand of his father. Ernest Cut Finger owned the horse in question for a period of four years, marked with his own brand and the original brand being vented.

One year ago or more this animal was forcibly taken by the authority of Supt. McFatrige from Ernest Cut Finger and turned over to Joe Brown, superintendent of the live-stock industry. This was done in spite of the protest on the part of Ernest Cut Finger and the submission of evidence tending to show that the animal was rightfully his.

This is simply another case in which discrimination was practiced by Supt. McFatrige in favor of one of his satellites.

ROBT. J. HAMILTON.

Witnesses who can testify: Ernest Cut Finger, Charles White Swan, Felix Flat Tail.

STATEMENT OF MRS. LEVINA CHATTEN.

I am a member of the Blackfeet Tribe of Indians, and I reside on the Blackfeet Indian Reservation.

In the month of June, 1913, one W. A. Brewster, at the head of the Brewster Transportation Co., was conducting a transfer and auto service through the Glacier National Park.

While a team which belonged to me was engaged in transporting freight over one of the highways, an auto, the property of the above-mentioned company, ran into my team and one of my horses was killed as a result of the collision.

Within a short time after this occurrence I filed a claim in the sum of \$200 in the office of the superintendent of the Blackfeet Indian Reservation, but since the time of the filing of my claim no action has ever been taken in the matter.

It appears that Supt. A. E. Mc. Fatridge is reluctant to make any demands in behalf of his wards and upon white men who are connected with railroad corporations or any large concerns, in matters of this kind. In fact, he seems disposed to favor white men in preference to his wards.

I have called the attention of Supt. Mc. Fatridge to this matter on several occasions, but he has never caused anything to be done about the case.

LEVINA CHATTEN.

Witnesses to signature:

ROBT. J. HAMILTON,
P. H. KENNERLY.

BROWNING, MONT.,
December 5, 1913.

HON. J. T. ROBINSON,

United States Senate, Washington, D. C.

DEAR SIR: In addition to the many letters which I have already submitted to your commission for consideration, and which bear upon the corrupt and unjust administration of the affairs of my people by Supt. A. E. Mc. Patridge, I herewith submit the following-described inclosure:

No. 1 is in regard to the conditions of the Cut Bank Boarding School and about which I have already sent to your commission statements and affidavits.

No. 2 is an additional affidavit in regard to the reservation fence.

No. 3 discloses the neglect of the Indians by the Government physicians, and which neglect of duty is tolerated by the superintendent with his knowledge. Numberless cases of this kind can be cited.

No. 4 within the three affidavits with blue covers, are contained separate and distinct charges of offences committed by Supt. A. E. Mc. Patridge, postmaster I. T. Whistler, and one J. R. Hart, an agency clerk.

I have this day transmitted duplicates of two of these affidavits to the Post Office Department in Washington, requesting such action by that department as the circumstances warrant.

In all, this is the third lot of complaints which I have transmitted to your commission. My people are still hoping that your commission will, before long, cause some remedy for their pitiable condition and the deplorable conditions of their reservation, or at least the removal of the person who is responsible for the existence of such conditions.

Very, respectfully,

ROBT. J. HAMILTON.

BROWNING, MONT., December 5, 1913.

HON. J. T. ROBINSON,

United States Senate, Washington, D. C.

DEAR SIR: In addition to other matters, I have the honor to present to your commission through you, as chairman, copy of a petition of the Blackfeet Tribe of Indians in the State of Montana.

Their petition in substance is to the United States, asking for an amendment of the act of 1907, and also that our surplus lands be held intact for a period of 10 years longer.

The original petition is signed by about 200 Indians and was transmitted to the honorable Commissioner of Indian Affairs through the superintendent of the reservation under date of December 3, 1913.

Were it not for the deplorable conditions existing at this time on this reservation, and which the people thoroughly appreciate, I feel sure that some other course might have been adopted by them.

Their pitiable condition at the present time, however, warrants such course in accordance with their best judgment.

Very respectfully,

ROBT. J. HAMILTON.

DECEMBER 15.

MR. ROBERT J. HAMILTON,

Browning, Mont.

DEAR SIR: Your two communications of December 5 have been received. All statements sent in by you have been filed in connection with other matters concerning the Blackfeet Reservation, and just as soon as possible the commission will look carefully into all data now on file regarding the Blackfeet Indians.

By order of the chairman.

R. B. KEATING, *Secretary.*

LOT NO. 10.

PETITION.

At Browning, in the county of Teton, State of Montana, on this the 28th day of November, A. D. 1913, we, the undersigned, residents of the Blackfeet

Indian Reservation, and a majority of the members of the Blackfeet Indian Tribe of the State of Montana, have convened according to our usual manner and custom for the purpose of considering the matter of the surplus lands of this reservation, which the outside public urge to be thrown open to public settlement at this time: Now, therefore, be it

Resolved, That whereas the various chambers of commerce and commercial bodies of certain towns near the reservation have, and are bringing pressure to bear on the department, as well as the Montana delegation in Washington, to open the Blackfeet Reservation to settlement at as early a date as possible, we believe that a great injustice would be done to the people of our reservation if such action was taken by the Government in accordance with the provisions of the act of 1907. The said act, providing for the allotment of our lands in severalty and for the disposition of the surplus lands after allotment, was not in conformity with any treaty stipulation, nor were we consulted in any manner. Likewise, we believe that such action would work contrary to our interests if the aforesaid act of 1907 were not amended, for the following reasons, to wit:

First. Our attitude in this matter can be supported by official reports of the different agents and superintendents who have submitted in an unbiased manner the fact that the Blackfeet Reservation is of a nonagricultural character and suitable for grazing purposes only.

Second. Your petitioners represent that, from our own observations, border settlers who have made attempts to farm the same character of land as comprises the eastern portion of the reservation have failed to demonstrate agricultural possibilities in sections which are precisely the same as our best irrigable lands; and it is absurd to expect the Indian, who is naturally unadapted to farming, to be placed against experienced and expert farmers in competition as agriculturists.

Third. That, owing to the high altitude of the reservation and its nearness to the Glazier National Park, which comprises live glaziers and which are constantly dispelling their cold and frosty atmosphere over our lands, causes this locality to be subject to frost every month during the summer season, therefore, the production of crops is an uncertainty; but as grazing lands, it is superior to any section of the State of Montana, and we believe that it should be conserved for the best good it can subserve for the general public.

It is an absurd proposition to undertake to oppose nature or attempt to convert a section of country to produce such necessities of life which climatic conditions can not mature.

Homesteaders should familiarize themselves with these conditions before they undertake to locate and not rely upon the representations of railroad corporation is more suitable for such purpose than any other section in the State, we, and which bodies and corporations are not doing so for the good and best interests of the poor farmer, but are advocating such a move with a view to accomplishing and serving their own selfish ends, and which reasons, of course, they do not dare to openly advocate.

Fourth. Inasmuch as it is the policy of the Government to reserve all grazing districts for the purpose of producing a beef supply, and that this reservation is more suitable for such purposes than any other section in the State, we, for the reason, most urgently request that our surplus lands be held intact as a resource for beef production.

Heretofore this reservation has grazed, aside from the stock which belonged upon the reservation, about 35,000 range cattle which belonged to outside stockmen; therefore, 600,000 acres of surplus lands, if properly managed, will accommodate about 25,000 cattle.

Fifth. The general depression of the beef supply warrants that the State of Montana should retain as much grazing lands as possible to produce beef, which is about one-half of our common living, and such depression has increased the high cost of living, and lack of range is solely responsible for the shortage of beef and the high cost of it. This reservation can do more good in beef producing than all the experiment farming can do for our people or the State.

The expressed policy of the President to the honorable Commissioner of Indian Affairs is, in substance, that all Indian reservations be conserved and utilized as beef-producing districts.

Sixth. We are of the opinion that by retaining the Blackfeet Reservation intact for a period of 10 years longer our surplus lands during that time ought to triple in value, according to the steady rise in the price of real estate property in Montana, and that while these lands are increasing in value each year, the revenue derived from grazing tax will enable the tribe to pay the reclama-

tion obligations for the construction of irrigating canals in 10 annual installments, and at the expiration of the said period, reappraise and relinquish our surplus lands to the Government if then deemed advisable.

Seventh. For the foregoing reasons we do strongly protest against the contemplation at this time of opening our surplus lands to settlement, and for the same reasons we ask that our surplus lands be retained by us in common for a period of 10 years; but we most urgently request also, the early approval of our allotments, the adjustment of our status according to our ability to assume the responsibilities of citizenship, and to be given a definite policy under which the disposition of our allotments may be determined hereafter.

Our attitude in this matter is, of course, in conformity with President Wilson's policy to conserve Indian lands for stock raising, and also the policy of the Secretary of the Interior to protect the interests and welfare of the Indian, who is the principal contracting party in the cession of his lands to the United States.

We therefore insist that our consent be first obtained before any lands are again arbitrarily taken from us.

To you we most earnestly appeal and respectfully submit this, our petition.

Lot No. 11.

STATEMENT OF MRS. MARY HIXSON IN REGARD TO THE CUT BANK BOARDING SCHOOL.

The conditions which exist at the Cut Bank Boarding School are such as to make the school an unfit place for children to be detained. I have been told that the conditions have been reported to the Indian office a number of times, and that Supervisor Baker of the Interior Department submitted a report on or about the 30th day of November, 1912, which disclosed the conditions as they exist at this school. I also have knowledge of the fact that these conditions are known to A. E. McFatridge, superintendent of the reservation, from his own observations and the many times that they have been reported to him.

On or about October 29, 1913, I visited the Cut Bank Boarding School, where my children are attending school. I found them to be almost barefooted, half naked, dirty, and kept in a generally filthy condition and their bodies covered with vermin or lice. They also complained of being sickly and hungry.

I reported these facts to Supt. McFatridge, and the only satisfaction which I received was his answer that he would "look into the matter." I told him that if he did not do so that I would report the matter to the department. The superintendent then told me not to do so, and said, "You will only be putting yourself to a lot of trouble."

In view of all the efforts that have been made to bring about some remedy for the conditions which exist at the Cut Bank Boarding School and the seeming disregard on the part of the Indian office and our superintendent of the reports against such conditions, I have no other recourse but to appeal to your commission in the hope that you will give the matter a thorough investigation at the earliest possible time.

MRS. MARY HIXSON.

Subscribed in the presence of—

P. H. KENNERLY.

R. J. HAMILTON.

STATE OF MONTANA,

County of Teton, ss:

Thomas Harwood, of the Blackfeet Indian Reservation, first being duly sworn on oath, deposes and says: That he is a member of the Blackfeet Tribe of Indians, and resides upon the Blackfeet Indian Reservation, where he has an allotment; that during the month of May, 1913, he moved to his allotment, which is on the eastern boundary of the reservation; that when he went there he observed about 4 miles of the reservation fence being left, which was kept up and used by a settler across the border line of the reservation; that since then the border white settlers have taken the posts and wire for their own private use.

Affiant further says that he was refused by Supt. McFatridge to use what was left of the fence, despite the fact that he permitted others who had no rights

upon the reservation to take the posts and wire; that he has reported the destruction of the fence by white settlers to Supt. McFatridge, but that the superintendent seems averse to taking any action against them, and that the said superintendent refused to grant this affiant permission or authority to prevent the carrying away and destruction of the fence.

THOS. HARWOOD.

Subscribed and sworn to before me this — day of November, A. D. 1913.

F. P. SHERBURNE,
Notary Public in and for the State of Montana,
County of Teton.

My commission expires October 25, 1915.

DILATORY PRACTICES OF AGENCY PHYSICIANS IN GIVING INDIANS MEDICAL ATTENTION.

The useless expenditure of money for the employment of "agency physicians," the poor medical attention received by the Indians at their hands, and the manner in which such neglect of duty is tolerated by the superintendent is a subject which is worthy of thorough investigation.

In support of the foregoing statement, I submit the following cases which were neglected by the agency physicians, and also refer to the project engineer, Mr. C. J. Moody, of the Reclamation Service, to support my statements.

1. About 500 Indians, including men, women, and children, were camped on certain excavation work from April until October 1, 1913. I am informed that more than 50 calls for a physician were sent in during that time, but only 5 visits were made during those six months.

2. Sometime in July an Indian, male adult, sustained a fracture of the arm; Dr. O. S. Phillips, agency physician, called early one Sunday morning, but did not go until the project engineer repeatedly telephoned and insisted that he must have an answer as to whether or not the physician would come.

3. An Indian workman sustained a fracture of his collar bone; a call for a physician was sent in; the physicians refused to go, but because of extreme pressure expressed to them by the reclamation officials, one physician went out three days later.

4. Indian boy about 12 years old sustained an injury to his forehead which resulted in a large laceration about $4\frac{1}{2}$ inches long, the skin hanging down over the eye; this needed a number of sutures applied; physician was called, would not come, and did not come.

5. Richard Calf Robe, age 29 years, took ill. Physician was called and came on the third day; physician said he only had a cold and sore throat. Richard got worse and for two weeks there were repeated calls, but they would not go to the patient. On the fifteenth day the project engineer, Mr. Moody, called in to see this Indian; he found him in a bad condition, and again asked for a physician; both physicians were in the office, but they refused to go. Mr. Moody then sent for a physician of the reclamation service, Dr. Roy L. Gleason, who immediately responded to the call, and found Richard Calf Robe in a dying condition, and that he was suffering from double pneumonia. The patient died on the following morning at 3 a. m., November 5, 1913.

The matter of medical attention became so deplorable that the project engineer, Mr. C. J. Moody, felt constrained to request Supt. McFatridge to relieve conditions by making the physicians answer calls. No relief was thus obtained. Later a letter was written to Supt. McFatridge by Mr. C. J. Moody, setting forth the fact that numerous calls had been neglected all the season, and again asking that the Indians working on the canal be given a reasonable amount of medical attention, but no relief from such deplorable conditions was then obtained.

ROBT. J. HAMILTON.

Lot No. 12.

STATE OF MONTANA,
County of Teton, ss:

Iron Necklace, of Browning, Mont., first being duly sworn according to law, deposes and says: That he is a resident of the Blackfeet Indian Reservation, within the borders of which is located the Browning post office; that he is a

patron of the Browning post office; that on or about November 4, 1913, a certain letter was mailed to him by the department of justice of the district of Montana, said letter being addressed to him at Valier, Mont.; that the said letter contained a check for a certain sum which was due him as witness fees; that he caused to be notified the postmaster at Valier to forward the said letter to Browning, Mont.; that on or about the 2d day of December, 1913, the letter was received at the Browning post office.

Affiant further says that the said letter was then delivered by I. T. Whistler, postmaster at Browning, to Arthur E. McFatridge, superintendent of the Blackfeet Indian Reservation, who thus intercepted his letter without any authority of whatsoever nature or kind from this affiant.

That the said I. T. Whistler did, without the permission, consent, or authority of this affiant, deliver the said letter to the said Arthur E. McFatridge, by placing the same in the box of the said Arthur E. McFatridge; that on the following day, December 3, 1913, this affiant went to the office of the said Arthur E. McFatridge for the purpose of ascertaining as to whether or not the letter had been taken by him; that he found the letter in the possession of the said Arthur E. McFatridge; that the letter was opened without the permission of the affiant; that the check was not handed to this affiant, neither the inclosure, both of which were withheld by the said Arthur E. McFatridge; that Arthur E. McFatridge then handed this affiant the sum of \$13.50, in currency; and that neither the check nor any inclosure was ever turned over to this affiant.

IRON (his thumb mark) NECKLACE.

Subscribed and sworn to before me this 4th day of December, A. D. 1913.

[SEAL.]

F. P. SHERBURNE.

*Notary Public in and for the State of Montana,
County of Teton.*

My commission expires October 25, 1915.

Lot No. 13.

STATE OF MONTANA,

County of Teton, ss:

Iron Necklace, of Browning, Mont., being first duly sworn according to law, deposes and says: That he is a resident of the Blackfeet Indian Reservation and a member of the Blackfeet Indian Tribe; that he was summoned by the department of justice of the district of Montana to appear before United States Commissioner L. M. Van Etten at Butte, Mont., on the 25th day of July, 1913, as a witness in the case of the United States against one Cleve West; that he appeared in accordance with the summons and on the day mentioned in the subpoena, July 25, 1913; that when he started for Butte he took the train at Conrad and was met there by J. R. Hart, a clerk at the agency; that the said J. R. Hart paid for the transportation of this affiant and others who had been summoned as witnesses; that upon their arrival at Butte the said Hart accompanied the said witnesses to a rooming house where he engaged rooms for them; that he thereupon told the said witnesses that the charge for the rooms would be \$1 apiece; that upon the following day the affiant offered to pay the proprietress of the rooming house and also made inquiry as to the charge she made for the rooms; that the proprietress replied that her charge was 50 cents apiece and that the said J. R. Hart had already paid for same; that aside from paying for the transportation and for one night's lodging for these witnesses the said Hart did not pay out any other moneys for the expenses of these witnesses, they having paid out their own money for their meals. Affiant further says that he has never at any time been shown a statement of the money paid out for his expenses by the said J. R. Hart, and that he has reasonable cause to suspect that he was never paid in accordance with the sum rightfully due him for services as a witness.

IRON (his thumb mark) NECKLACE.

Subscribed and sworn to before me this 4th day of December, 1913.

F. P. SHERBURNE.

*Notary Public in and for the State of Montana,
County of Teton.*

My commission expires October 25, 1915.

Lot No. 14.

STATE OF MONTANA.

County of Teton, ss:

Iron Necklace, of Browning, Mont., being first duly sworn according to law, deposes and says: That he is a resident of the Blackfeet Indian Reservation and a member of the Blackfeet Indian Tribe; that he was summoned by the department of justice of the district of Montana to appear before United States Commissioner L. M. Van Etten at Butte, Mont., on the 25th day of July, 1913, as a witness in a case of the United States against one Cleve West; that he appeared in accordance with the summons and on the day mentioned in the subpoena, July 25, 1913. Affiant further says: That sometime after his appearance in Butte as a witness he inquired of Supt. A. E. McFatridge as to why he, the affiant, had not received any fees for his services as a witness; that he asked Supt. McFatridge to look into the matter; that during the time from July 25 to November 1 he repeatedly inquired of Supt. McFatridge and — Hart in regard to the money which was due him; that after his failure to receive any assistance from the aforesaid parties in the way of making inquiry as to why he had not received his money, the affiant explained the facts in the matter to two of his tribesmen, R. J. Hamilton and P. H. Kennerly, and asked them to endeavor to locate the money for him; that through the efforts of the aforesaid parties it was learned that a check for \$29.10 had been mailed to the affiant to Valier, Mont.; that the affiant then authorized the aforesaid R. J. Hamilton and P. H. Kennerly to cause the letter containing the check to be forwarded to Browning; that in the meantime, evidently being informed that the affiant was causing the matter to be investigated, the said A. E. McFatridge then appeared to be very much interested, and upon his information that the check had been mailed to Valier he left instructions, according to the clerk in the post office, that upon the receipt of the letter it be sent to him; that the letter was received at the post office at Browning on or about the 2d day of December, 1913, that the letter was delivered to the said A. E. McFatridge in accordance with his instructions, but without any authority of whatsoever nature or kind from this affiant; that the said A. E. McFatridge thus intercepted his letter.

Affiant further says that I. T. Whistler, post master at Browning, did, without the permission, consent, or authority of this affiant, deliver the said letter to the said A. E. McFatridge by placing, according to the clerk in the post office, the letter in the box of the said A. E. McFatridge; that on the following day, December 3, 1913, this affiant went to the office of the said A. E. McFatridge for the purpose of inquiring as to whether or not the letter had been taken by him; that he found the letter in the possession of the said A. E. McFatridge; that the letter was opened by the said A. E. McFatridge without the permission of the affiant; that the check was not turned over to this affiant, nor the enclosure, if any, both of which were withheld by the said A. E. McFatridge; that the said A. E. McFatridge then handed this affiant the sum of \$13.90, in currency; the affiant further says that he has never at any time been handed a statement of the amount that was due him for his services as a witness, nor for deductions made for money paid out by the agency clerk, Jerome Hart, for the affiant's transportation and expenses incurred at the time of his trip to Butte.

IRON (his thumb mark) NECKLACE.

Subscribed and sworn to before me this 4th day of December, A. D. 1913.

[SEAL.]

F. P. SHERBURNE,

*Notary Public in and for the State of Montana,**County of Teton.*

My commission expires October 25, 1915.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Browning, Mont., November 15, 1913.

HON. J. T. ROBINSON,

Chairman Joint Commission to Investigate Indian Affairs.

SIR: In addition to certain inclosures which I forwarded to you some time ago, I am submitting herewith certain papers which disclose the abuses which exist at the Cut Bank Boarding School and which are tolerated by our superintendent, A. E. McFatridge, without any investigation by him even when he is asked to investigate such conditions.

This particular matter was submitted to the Indian Office for investigation last spring, but no action was ever taken in same.

It is because of this reason that I am submitting them to your commission for such investigation as the circumstances warrant.

Respectfully,

ROBT. J. HAMILTON.

BLACKFEET BOARDING SCHOOL,
Browning, Mont., February 12, 1913.

MR. A. A. MCFATRIDGE,

Superintendent and Special Disbursing Agent, Browning, Mont.

DEAR SIR: I wish to call your attention to a matter that happened here between one of the employees and one of the school children in the dining room yesterday evening. I have carefully inquired into all the circumstances, both of the children concerned and the employee, and find the following to be about the way the thing happened: The children were clearing off the tables after supper. One girl, Ella McNight, had not eaten her sauce, as there was not enough bread at their table when they were at supper. She took a piece of bread that was left on another table and was eating it with her sauce. Miss Powless, who was in the kitchen, told the children who were working in the room to hurry with the work and stop eating, and then passed on into the kitchen. When she came back she saw Ella eating and went up to her and struck her on the face and nose, making her nose bleed so that one of the larger girls took Ella from the room to the washroom and stopped the blood, after which they came back and resumed their work.

Nancy came to Miss Powless and asked her what she struck her sister for and Miss Powless told her that she did not have to tell her, but that she would slap her too if she needed it or any or all of the other children. Miss Powless sent Nancy to wipe dishes as punishment for the question, and after that told her to mop the floor. Nancy told her that the doctor had forbidden her to mop or do any hard work on account of her poor health and that the matron had not required her to do hard work. Miss Powless replied that if the matron and the doctor knew so much they ought to send her home. This is the substance of the affair and you can readily see that such treatment and remarks have a bad effect on these children as well as leaving the employee open to grave censure. I have had a talk with Miss Powless and advised her to lay aside these corporal punishments and threats to the children, that every employee should govern the children by their personality and by better methods than that, but she seems to think that since corporal punishment used to be indulged in that it is still the proper thing and that she will continue to use it when she chooses.

I call this to your attention that should the parents or others come to you about the matter you may know the circumstances and how to reply to any charge made.

Other breaches of discipline on the part of employees are the following, which tend to demoralize the tone of this school, whose welfare, as superintendent, I know you have at heart. Instead of reporting any trouble or inability to properly manage the children who may be under the detailed care of Miss Harbour to me, as principal, or to the matron, she tells them that she will report them to Mr. McFatrige, and he will come down and straighten them all out; this also is a favorite retort of Miss Powless to the children, too. They are repeatedly telling the children that they know of a change that will be made here before long, thus inferring to them that they have a very intimate knowledge of affairs contemplated by the superintendent. This is not only bad for the children, but also makes light of official business pertaining to this school and your office as superintendent, which I know you do not wish to be talked about in such a manner.

Whether Miss Bonin is in the habit of carrying notes and letters for the pupils to outside persons without having them pass through my hands or the matron's I do not know, but I do know that she recently did such an act knowingly, thus encouraging underhand methods in the children and leading them to remark on such breaches by an employee. There is nothing at the school except what is open to all, but I do not wish the employees to implant such ideas and opinions as such acts on the part of an employee toward the pupils do impart.

I think that a thorough business talk from you, as superintendent, would stop all these things I have mentioned and lead these persons to see that the welfare of the school is more to you than to allow such to continue and permit

them to infer that they have your sanction in these matters, which I know you would not give.

Permit me to say that in spite of all these acts the people here who are really working for and accomplishing the good of the school say that the deportment of the children and their classroom work, together with their general happiness, are at a much higher standard than ever before. The moral tone of the girls may be seen from the way they discountenance some of the former acts and speech of Agnes and Eva Star. Formerly these girls, I am positive, were ring leaders among the girls, and that leadership was not for their uplift, but, though they are treated courteously by the others, the girls have given them to understand that if they wish to be chums with the others they must lay aside all bad talks and actions. This is a very healthy state of affairs in their lives. The obscene practices formerly used by the large boys with the little ones are done away with, and on the whole the school is headed in the right course, but we need all the hearty cooperation of the employees to continue the work and bring it up to the plain you suggested in your talk at the meeting of employees when you were among us this fall.

Very respectfully,

E. E. McKEAN, *Principal.*

STATE OF MONTANA,

County of Teton ss:

Mr. E. E. McKean, being first duly sworn according to law deposes and says: That I am the principal of the Cut Bank Indian Boarding School; that Ella McKnight, daughter of Joseph McKnight, is 9 years old; that she has attended the Cut Bank Boarding School since the first of this school year; that Ella McKnight has been throughout the year a good and faithful child; that it is contrary to the rules of this school for an employee not principal or matron to punish a child of this school; that Miss Marion Powless, an employee, and not matron, was in charge of the dining room on the 11th day of February, 1913; that said Miss Powless struck Ella McKnight in the face upon rising from her evening meal; that said stroke caused nosebleed; that Ella McKnight was not subject to nosebleed prior to this time; that said Ella McKnight has been subject to periodical nosebleed since this time; that I spoke to Miss Powless about striking the child and her reply was in effect that she would strike the children when she saw fit to do so; that said misconduct (striking the child) has been reported to Supt. McFatrige, first by my letter on the 12th day of February, and later verbally by myself; that Supt. McFatrige at that time gave me no satisfactory response, and has thus far in no way taken the matter up in so far as I know; that Mr. McKnight wishes some kind of guaranty of better treatment for his children in the future; that further than my treatment and that of my wife I am unable to promise this; that Mr. McKnight requested that I give him a copy of the letter I wrote to the superintendent relative to the treatment of his daughter; that I have given him the duplicate of said letter.

E. E. McKEAN.

Subscribed and sworn to before me this 28th day of February, 1913.

[SEAL.]

F. P. SHERBURNE,

Notary in and for county of Teton, State of Montana.

My commission expires October 25, 1915.

STATE OF MONTANA,

County of Teton, ss:

Bertha Camp, Amy Ground, and Mary Sherman, being first duly sworn according to law, each for her or himself and not one for the other, deposes and says: That I am the age noted after my signature hereto affixed; that I have been attending the Cut Bank Indian Boarding School since the first of this term; that I was in the dining room at the time Miss Powless struck Ella McKnight; that I saw Miss Powless strike Ella McKnight in the face.

AMY GROUND (11).

BERTHA CAMP (13).

MARY SHERMAN (16).

Subscribed and sworn to before me this 28th day of February, 1913.

[SEAL.]

F. P. SHERBURNE.

Notary public in and for county of Teton, State of Montana.

My commission expires October 25, 1915.

STATE OF MONTANA.

County of Teton, ss:

Joseph McKnight, being first duly sworn according to law, deposes and says: That my child, Ella McKnight, has attended the Cut Bank Indian boarding school since the first of this school year; that she has gotten along nicely up to the 11th day of February, 1913; that on said day it appears she was struck in the face by Miss Powless, one of the employees; that Mr. E. E. McKean, principal of the school, says that he spoke to Miss Powless about striking the child, which it seems is not only brutal but against the rules; that it appears she made an insubordinate reply; that owing to a lack of support on the part of Supt. McFatrige, Mr. McKean does not feel that he can guarantee better treatment of my children on behalf of this employee; that owing to the present attitude of Miss Powless such treatment may occur again; that I live 40 miles overland from the school; that I fear for the safety and comfort of my children if left here under these circumstances; that owing to the tender age of my daughters, this is their only present opportunity of schooling; that I have known Mr. McKean ever since he has been here; that in my opinion he is a first-class principal; that upon learning of my daughter's trouble on the 25th instant I came to Mr. McKean; that I asked Mr. McKean if he had reported the matter to the superintendent, and he told me he had; that he had written him the day after the affair took place; that to prove his statement he showed me a duplicate of his letter; that I asked him for this duplicate; that it is that duplicate which I inclose as an explanation of the matter as it happened; that the other breaches of the two employees mentioned does not concern me at this time, but since they are in this duplicate they must accompany the matter of Miss Powless; that this is the first complaint I have ever made against the school; that I am not in the habit of criticizing the methods of the school; that my standing is good; that for the same you may refer to any of the mercantile establishments of the reservation, the superintendent, or the agency records.

JOSEPH MCKNIGHT.

Subscribed and sworn to before me this day of February, 1913.

[SEAL.]

F. P. SHERRURNE,

Notary public in and for the county of Teton, Mont.

My commission expires October 25, 1915.

MINUTES OF THE MEETING HELD AT BLACKFEET AGENCY, BROWNING, MONT., ON
FEBRUARY 7, 1914.

The superintendent in charge of the Blackfeet Agency called a meeting of the Blackfeet Tribe of Indians on the date above mentioned—after giving due notice to as many of the Indians as possible—for the purpose of considering and discussing the proposition of throwing open to settlement all the unallotted or surplus land east of the meridian between ranges 7 and 8.

Approximately 350 members of the tribe assembled in the council room, and the house was called to order at about 2 o'clock p. m., and Mr. William Brown was unanimously elected chairman for this meeting.

The chairman then called on Supt. Arthur E. McFatrige to explain the purpose of the meeting, in which the latter responded and explained thoroughly and went over the proposition mentioned above.

The act of 1907 providing for the opening to settlement the unallotted lands on this reservation was one of the points touched upon by the superintendent: also the proposition of recommending to Congress, or to the delegation from Montana in Congress, the Commissioner of Indian Affairs, and to the Secretary of the Interior the question of throwing open to settlement of the surplus lands east of the meridian between ranges 7 and 8 was explained by means of a map which was placed in the council room for this purpose. Many opinions were given with regard to this proposition, the majority of them, however, being in favor of the question.

After discussing this matter, for and against, it was decided unanimously that the proposition was a good one, and that a delegation was chosen comprising four members (all four considered good business men) to confer with a committee selected by the various commercial associations and the chambers of commerce in the towns near the reservation, and, if authorized, to visit

Washington for the purpose of taking this matter up in the interest of the tribe. The delegates chosen are James Perrine, Charles Buck, Levi Burd, and Malcolm Clark.

Meeting adjourned.

WM. BROWN, *Chairman.*

PATRICK HAMLEY, *Secretary.*

I hereby certify that the above is a true and correct copy of the minutes of a tribal council held at the Blackfeet Agency February 7, 1914.

ARTHUR E. McFATRIDGE, *Superintendent.*

(Original on file in Indian Office.)

MARCH 6, 1914.

At a special meeting of the Valier Commercial Club, held March 6, 1914, the following resolution was adopted:

That the Valier Commercial Club fully approves and indorses the action taken at a council of the Blackfeet Tribe of Indians at Browning, Mont., February 7, 1914, in regard to the opening of the eastern portion of the reservation; more properly to open to settlement all the unallotted lands east of the meridian between ranges 7 and 8.

That the opening of the entire reservation at this time would prove a serious mistake, as it would deprive the Blackfeet Indian of his grazing range, which means depriving him of his principal means of earning a living, as the Blackfeet is a natural live-stock raiser and not a farmer.

That the territory west of the meridian between ranges 7 and 8 is especially adapted to stock raising and not to agricultural purposes.

That the opening of that portion of the reservation east of the meridian between ranges 7 and 8 will best further the interests of the Blackfeet, and will give to the homeseeker that portion of the reservation which can be successfully farmed, and would include the irrigated lands.

That the wishes of the Blackfeet, as expressed at the Browning council, receive full consideration, to which we lend our earnest endeavor and support.

That a copy of this resolution be mailed to Senators Thomas C. Walsh and Henry L. Myers and Congressmen John M. Evans and Thomas Stout.

VALIER COMMERCIAL CLUB.

C. H. KESTER, *President.*

R. H. SAUER, *Secretary.*

(Original on file in Indian Office.)

CONRAD, MONT., March 7, 1914.

HON. FRANKLIN K. LANE.

Secretary Department of the Interior, Washington, D. C.

DEAR SIR: At a special meeting of the members of the Conrad Commercial Club called for the purpose of considering the question of recommending to you the opening to settlement of the lands now within the Blackfeet Indian Reservation, Teton County, Mont., it was unanimously decided by the members of this organization to recommend, in the strongest manner possible, the opening of all of that portion of the reservation east of the range line between townships 7 and 8 west, MM.

In view of the fact that your department is lending its assistance in the encouragement of stock raising by the Indians, we feel that their material requirements for success along this line depends upon ample provision for free range for their bands of sheep and herds of cattle and horses over areas where there is abundance of water.

The opening of this portion of the reservation will not retard the Indians' material progress, and we believe it will be the most satisfactory arrangement that could be made at this time, for the people are anxious to settle on these lands; and at a not distant future time, when the Indians have made sufficient progress along agricultural lines to produce and grow cultivated feed to enable them to get along without the free range, it will at that time be a more feasible plan to open up the entire reservation.

That portion of the reservation east of the range line between townships 7 and 8 west, MM., can be opened up for settlement without materially affecting the interests of the Indians located within the reservation, but, on the

contrary, will be a great benefit to them, and therefore in compliance with the wishes of the Indians there located, through their representatives, we urge the opening of this portion of the reservation. Respectfully submitted.

Very truly, yours,

THE CONRAD COMMERCIAL CLUB.
E. R. ALQUIST, *President*.
JAMES A. MURTY, *Secretary*.

(Original on file in Indian Office.)

GREAT FALLS COMMERCIAL CLUB.
Great Falls, Mont., March 5, 1914.

HON. FRANKLIN K. LANE,

Secretary, Department of the Interior, Washington, D. C.

DEAR SIR: There was a special meeting of members of this association called this forenoon for the purpose of considering the opening to settlement of lands now within the Blackfeet Indian Reservation, Teton County, Mont., and after full consideration it was declared the sense of the meeting—

That as the department is lending its offices to the encouragement of stock raising by the Indians, the material necessity to their success will be the provision of ample free range for their communal flocks and herds and over areas where there is abundant water.

That if all of the reservation other than the allotments made to the resident Indians is thrown open to homestead settlement the grazing provision for the latter will be inadequate, and will be pronouncedly so, at least until such time as the Indians have progressed agriculturally in sufficient degree to abundantly and constantly produce cultivated fodder.

That the best interests of the Indians being paramount, in consideration of the facts cited the retention within the reservation of all the lands now embraced within its borders, except all of ranges 6 and 7 west within the north and south boundary lines of the reserve, is recommended and strongly urged.

Very truly, yours,

L. NEWMAN, *Vice President*.
OLIVER M. HOLMES, *Secretary*.

(Original on file in Indian Office.)

CUT BANK COMMERCIAL BANK,
Cut Bank, Mont., March 4, 1914.

JAMES PERRINE,

Browning, Mont.

DEAR SIR: I herewith send you a copy of resolution adopted by this club on February 9, 1914, regarding the opening of the Blackfeet Reservation.

At said meeting it was the sense of the club that a copy of said resolution be transmitted to each of our delegation at Washington, D. C.

If there is anything further we can do for you along this line, we will be pleased to give you all the help we can.

Yours, truly,

A. J. WHITEHEAD, *Secretary*.

(Original on file in Indian Office.)

CUT BANK, MONT., February 9, 1914.

To Blackfeet Committee, Browning, Mont.:

The Cut Bank Commercial Club desires to go on record as being heartily in sympathy and accord with the action taken at a council of the Blackfeet Tribe of Indians at Browning, Mont., February 7, 1914, in regard to the opening of the eastern portion of the reservation, more properly, to open to settlement all the unallotted lands east of the meridian between ranges 7 and 8.

This range line is almost a natural line of demarcation between the agricultural and stock raising zones of the reservation. East of this line lie the level bench lands to be watered by the Government irrigation projects and pioneer residents of the reservation declare that frosts in the growing season occur less frequently over this area than that which lies closer to the Rockies.

From the line of range 8 to the foothills of the Rockies is the natural grazing grounds of the reservation. This club concurs in the conviction of the leading residents of the Blackfeet Reservation, that the full blood and mixed blood Indians are by training and antecedents better fitted for the vocation of stock culture than that of grain farming. It does believe that it would not be a wise or just policy to open the entire reservation at this time and thus molest and in many instances destroy the best means whereby these people earn a livelihood. It believes that if the reservation is opened after the plan outlined by the Browning Council it will foster a feeling of amity and good will between the people upon the reservation, who desire that the vocation of stock raising be safeguarded and preserved, and those people contiguous to the reservation who desire that the lines of least resistance be followed; in other words, that nothing of a revolutionary or destructive nature be done by the act of opening this fine dominion to settlement and development.

We believe that those who urge that the entire reservation be opened at this time, regardless of the future welfare of those who occupy it at present and those who would come, impelled by the lure of free homes and file upon the open lands, regardless of their character or fitness for agricultural pursuits, are not doing so in a spirit of calm judgment and disinterestedness. We submit that it will in a greater degree conserve the general welfare of all if those who come from the agricultural centers of the East and farther West in search of homes on the reservation are permitted to acquire the portion best fitted for farming pursuits, with the additional privilege of leasing the allotted tracts under the irrigation project for hay and grain culture. In this way their permanent success will be fairly assured and those to whom the Government has allotted the land will reap adequate returns, while at the same time they can ply their natural vocation in the unopened area—that of stock raising.

We believe that these are the salient points in urging that the Blackfeet Reservation be opened without delay, after the plan submitted by the Browning Council, a copy of the same no doubt being in your possession, and we pledge you our earnest cooperation in bringing the matter to a speedy and successful issue.

Respectfully submitted.

A. J. WHITEHEAD, *Secretary.*

(Original on file in Indian Office.)

WASHINGTON, D. C., March 6, 1914.

Senator JOE T. ROBINSON,

Chairman Joint Commission to Investigate Indian Affairs,

Washington, D. C.

MY DEAR SENATOR: The Blackfeet Tribe have often complained about the Two Medicine Dam built by the Reclamation Service upon the Blackfeet Reservation, and I wish to call the attention of your commission to some of the phases of that project and things connected with it.

The Two Medicine Lake is situated in the western part of the reservation, and it is about 9 miles long. Both sides of the lake are lined with timber of various kinds and sizes. There are white pine, spruce, fir, tamarack, elm, and lodge-pole pine. In size from 6 inches to 3 feet in diameter. It is the kind of saw timber used in the country thereabouts and some of the best timber in the country.

A half a mile below the lake the Reclamation Service has built a dam about 50 feet high. It is supposed to raise the water in the lake 27 feet. That will drown the timber, and it will thereby become a complete loss to the Blackfeet Indians. The Indians have sought through the superintendent in charge, Arthur E. McFatridge, to have a sawmill built, or hired for cash or upon shares of the lumber sawed, to save the timber and to supply the needs of the Indians. Every effort that the Indians have made, every recommendation made, and everything done to make use of the timber has met with opposition and resistance from the superintendent in charge.

The severe cold of the winters require shelter for man and beast, and most of the tribe could be supplied from this source if the timber could be utilized.

Four Blackfeet Indians, George Cook and David Labreeche, Phil and Meadow Labreeche, got permission from the superintendent in charge to sell their stock, which they did, to obtain money with which to build a sawmill. The mill was built upon the allotment of George Cook, and some timber sawed. Many Indians cut logs and floated them to the mill where they were sawed

on shares, each party taking one half the lumber. Quite a number of Indians built houses and barns from the lumber sawed at this mill.

My understanding is, and it is the impression general among the Indians, that the superintendent in charge stopped the mill operations because of some ill feeling he had against the mill owners. Just at the time when the Indians could have been most helped by the mill, and the timber from the, to be, flooded district could be used, the superintendent required the mill to cease operation.

The closing of the dam will entirely flood the mill and timber to a depth of 27 feet or thereabouts. This lake and all the timber around it is on the Blackfeet Reservation. The Indian men who sold their stock to build the mill, and who did so under the direction, with the consent and approval of, if not under the supervision of the Indian Office, have lost about all they have. The loss in the whole transaction being on the Indians.

I wish to charge that in the loss to the Indians who built the mill, and the losses of the timber that the Blackfeet Tribe will sustain by flooding is chargeable to the action of Arthur E. McFatridge. I believe him competent, but that he is a man of strong temper, self-willed, and determined at all times that everything be done his way or not at all. Every Indian, his rights, and everything that he wants to do must be subservient to the wish of Mr. McFatridge.

I am informed that he was dismissed from the service for some wrong while in charge of the Umatilla Agency, and that charges made against him were found to be true by Supervisor Baker who investigated him at our agency.

He seems to be interested in helping some individual, a white man or a mixed-blood Indian. Some man of means who needs it less than the full blood and who can recompense him in some way. The use of any money or tribal property is given first to the white man or the mixed-blood Indian. The real needy Indian is not the object of his effort or interest.

Supt. McFatridge's wife and son have been about the office—the agency office—a great deal; and their manner, conduct, and treatment of the Indians is arbitrary, rude, and disagreeable. Mrs. McFatridge is reputed to have destroyed many of the agency records, some of them involving the rights of Indians and their allotments. I have had agency employees tell me of her acts, and I am also told that it is known to the Indian Office here in Washington.

The best clerk the Blackfeet Tribe ever had, Thomas Hawksmith, left the service because he would not be a party to the acts of McFatridge and his wife.

These things are recited because they are a harm and injury to the Blackfeet Indians and will continue as long as Arthur E. McFatridge is in charge of the Blackfeet Agency.

Very respectfully submitted.

ROBT. J. HAMILTON,
Blackfeet Delegate.

BLACKFEET PROVISION.

That so much of the act of Congress of March 1, 1907 (Stats. L., vol. 34, p. 1035), as relates to the land-and-water rights of the Blackfeet Indians of Montana, the classification and allotment of their lands, and disposals and opening of their lands to settlement is hereby repealed: *Provided*, That any selection of land for allotment made by any Indian in good faith shall not be disturbed without his consent or his heirs; that the same shall remain inalienable until further action by Congress: *Provided further*, That those who have been allotted lands undesirable to them, or of no value to them because of glacial deposits, location, or otherwise, may exchange them for other lands; but they shall be limited to 280 acres of grazing and agricultural lands and 40 acres of irrigated lands as heretofore classified; that the Secretary of the Interior is hereby authorized to allot any persons entitled to allotment who were omitted from the last allotment rolls, and the tribe is hereby authorized to contest any allotment made without proper authority or procured by fraud.

WASHINGTON, D. C., March 28, 1914.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

MY DEAR COMMISSIONER: It is admitted by all the Blackfeet Indian delegates before the Senate Indian Committee and the Joint Commission of Cen-

gress to Investigate Indian Affairs that all the full-blood Indians of the Blackfeet Tribe are destitute.

It is also admitted that it is best for their welfare that the reservation remain intact, and that they be given a start in stock raising, and assisted in an attempt to cultivate the irrigated lands allotted to them.

The issue at this time is to open the reservation, or a part of it, against the wish of the Indians and their welfare. I maintain that no part should be sold at present. That the present or existing law under which opening is sought is unfair to the Indian, that it was passed without their consent, and their consent not asked or sought in respect thereto.

That the opening of all or a part of the surplus lands of the reservation is sought by the towns of Cut Bank, Valier, Conrad, Kalispell, White Fish, and Great Falls. Also the Great Northern Railway and settlers who wish to acquire reservation lands.

It is proposed to open the eastern part of the reservation. This contains the only possible agricultural lands of the Blackfeet Indians.

The Blackfeet Reservation lies upon the eastern slope of the Rocky Mountains, the western boundary of the reservation being the ridge of the Rocky Mountain Range. The high altitude has a frost every month in the year. The lowest lands of the Blackfeet Reservation are those within the lands proposed to be opened. If any of the lands are agricultural lands, or irrigable lands fit for agriculture, they are within the tract proposed to be opened. So are the irrigable land allotments of 40 acres each to the Indians. If an effort is to be made to teach and establish the Blackfeet Indians or some of them upon irrigated agricultural lands, it should be done before the white people can come in and contest over the use of water during the kindergarten period of this work.

Under the existing law the water will be lost.

Under existing law the Government does not guarantee sale or other protection to the Indians.

Under existing law the settlers will, if the reservation is opened, acquire the lands for much less than their value.

Under existing law the irrigated lands will be paid for by the Indians, without the certainty that the settlers will pay any part of the cost of irrigation.

Under existing law the sales of the land will not bring any valuable return or increased price for coal and other minerals contained under the surface sold.

That an opening of the lands under existing law will prevent the retention of sufficient range to make the Indians a cattle-raising people, and take from them protection necessary for their development.

The eastern part of the reservation proposed to be opened by the towns and railroad company is known to contain prospects of valuable coal deposits, while other parts have evidences of oil and magnetic iron ore.

The timberlands amount to about 44,000 acres; of this area some 7,000 acres are within the basin of storage waters established by the Two Medicine Lake Dam. This dam will raise the waters of the lake about 30 feet and destroy about 7,000 acres of timber. Before the gates of the dam are closed the timber should be cut and sawed for the use and benefit, as far as possible, of the Indians of the reservation. It could be done by permitting them to cut and haul the logs to mill and give to the mill one-half for the sawing.

Shelter can be provided from the timber on the reservation that can not be acquired by the Indians in any other way. The shelter is necessary for both the people and the stock.

The safety for the Blackfeet Indians is the repeal of the present law and the enactment of such other legislation at a later time as may be necessary. A repeal at once would enable the office to take such steps as would be best for the Indians. The following is submitted:

"That so much of the act of Congress of March 1, 1907 (vol. 34, Stats. L., 1035), as relates to the land and water rights of the Blackfeet Indians of Montana, the classification and allotment of their lands, and the disposal and opening the same to settlement is hereby repealed: *Provided*, That any selection of land for allotment made in good faith by any Indian shall not be disturbed without his consent. That the same shall remain inalienable until further action by Congress: *Provided further*, That those who have been allotted lands undesirable to them, or of no value to them because of glacial deposits, location, or otherwise may exchange them for other lands, but they shall be limited to 380 acres for grazing and agricultural lands and 40 acres of irrigated land as

heretofore classified. That the Secretary of the Interior is authorized to allot any persons who were omitted from the last allotment rolls, and the right is hereby given to the tribe to contest any allotments made without proper authority or procured by fraud."

The foregoing will its believed relieve the Indians of the dangers of the existing law, and give to the Indian Office every opportunity to plan and execute reforms for the Indians.

George B. McLaughlin, United States Indian Agent, on September 20, 1897, wrote to the Commissioner of Indian Affairs, saying:

"In order to make these people self-supporting, particular attention must be paid to the cattle, and next in importance to their existence is the hay and grain; but it is only when they locate at a distance of some 25 miles eastward from the mountains that they can have any assurance of anything in the form of crop other than native grasses."

This limitation brings the Indian to the very eastern part of the reservation, and shows the necessity of retaining the only lands that will yield any additional hay crop for care of stock during the winter. The same agent made the following statement, a part of the same letter:

"Although they will not have the sheds which they really need, the great amount of hay put up and the precautions taken by the Indians will insure against any preceptible loss by storms and blizzards this winter."

These Indians have cared for cattle successfully, and at one time had sufficient to keep them had they been properly directed.

I ask that the foregoing repeal or some similar provisions be recommended by the Indian Office to the Senate Committee on Indian Affairs.

Very respectfully,

ROBT. J. HAMILTON, *Delegate.*

WASHINGTON, D. C., March 14, 1914.

Hon. JOE T. ROBINSON,

Chairman Joint Commission to Investigate Indian Affairs.

Washington, D. C.

DEAR SIR: In the matter of the investigation of the affairs of the Blackfeet Tribe of Montana, the record of which, so far made before your committee, consists of my authority to represent the tribe, and documents in support of the charges I have filed, I desire to call your notice to the fact that there now is in this city three members of our tribe who are educated Indians to the extent that they require no interpreter, and who are of the favored class enjoying privileges not enjoyed by other members of the tribe.

The tribesmen referred to are James A. Perrine, Charles W. Buck, and Malcolm Clark, and they are stopping at the National Hotel. If these men were called at this stage of the record in our case, I am certain that it would greatly facilitate getting the matters complained of and a better understanding of our status before the joint commission. Notwithstanding that they are opposed to me, I feel that their testimony would be valuable, and I therefore most earnestly ask that you call them before the joint commission that they may be fully interrogated.

Very respectfully,

ROBT. J. HAMILTON.

BROWNING, MONT., March 23, 1914.

Mr. R. J. HAMILTON,

Washington, D. C.

KIND FRIEND: This is a general letter of the leading councilmen of the Blackfeet Tribe, how they feel in regard to the report you sent me to-day. Cream Antelope here claims that they did not send that delegation of McFarbridge's to Washington, and there is not one Blackfeet Indian here that appointed said delegation to go. The reason I am writing to you now is because you were the only one that was appointed to go as a delegate. That petition of that delegation was no good because there was not a full-blood Indian signed it. It was composed of breeds and white men. It was their own fault. He tried to stop them from going down there, but they went down on their own hook. They are awful liars. They did not have no 95 per cent to represent. The petition we sent was gotten up by full-blood Indians, and that

one we sent was a true petition, and we depend upon your friends to help you on this Mr. Serven and Joyce. This is Mr. Wolf Plume. He says to tell them lawyers to help us out on this; that we are all poor, and we have been fighting hard to have them to continue their work, and they must help us and not pay any attention to that delegation of McFatrige's. They are only liars, and that you are the only one that was appointed by the tribe to go to Washington as a delegate. Your friends are working hard on this end to help you, and you must get in and do your best at that end.

This Mr. Black Weasel says to have them attorneys to help us out all they can with matters. That first council we had before you left there weren't an Indian that picked out one of that delegation of McFatrige's to go to Washington. The last council they were thrown out by the tribe and they got beat and they haven't had any council since and one of their delegates withdrew. Now, my friends, you want to do all you can at that end and stand pat and we will do the same at this end. We all poor—all of us Indians—and we don't want to sell any land, and that delegation of McFatrige's are awfully liars. They did not have no 95 per cent to support. You know that there is nobody making any trouble—only McFatrige and his delegation, and the trouble arose from selecting new attorneys, and we do not want any new attorneys. We are satisfied with the attorneys we have now at work on the claim.

And you are the only delegate that was sent by the tribe.

This is Mr. Curly Bear: Please have them attorneys, Mr. Serven and Joyce, to help us out all they can. We have been fighting hard to have them to continue their work for us on the claim against the Government. There is not one Indian that picked on that delegation of McFatrige's to go to Washington. You know before you left that there was not one Indian picked on that delegation and the last council they had it was thrown out by the tribe, and there haven't been any since. They got beat and one of their delegates withdrew. They did not have any 95 per cent to support them. They are awful liars, and there are no Indians in favor of opening any lands. Only McFatrige's delegation. You know there is nobody making any trouble—only McFatrige and his delegation. And the trouble arose from selecting new attorneys. We are satisfied with the attorneys we have at work on the claim now, and you are the only delegate that was appointed by the tribe. The only way that we can see to have things settled here now is to have the investigation committee, and we want Mr. Serven and Joyce or Mr. Farrel to come up here. That is the only way we can settle things for them.

Please answer this letter at once—one to Curly Bear and one to Geo. Pablo—and if they are coming, let us know and we will all be out to meet them—to show them how many friends they have. Please to have that investigation to come up here before we all die off and they can't get to see us. You know how things were before you left. Things are worse. Hoping to hear from you soon.

Yours, truly, friends,

CURLY (his thumb mark) BEAR.
 CREAM (his thumb mark) ANTELOPE.
 BLACK (his thumb mark) WEASEL.
 WOLF (his thumb mark) PLUME.
 PHILIP ARCOWTOF, *Interpreter*.
 GEO. PABLO.

HON. JOSEPH T. ROBINSON,

Chairman Joint Commission to Investigate Indian Affairs,

Washington, D. C.

DEAR SIR: I herewith hand you certain letters (listed below) touching upon the various phases of the Blackfeet Indian situation. These letters indicate mismanagement in the matter of the distribution of 45 stallions to the people upon the Blackfeet Indian Reservation. It appears from these letters that the white men intermarried with the tribe, and the mixed bloods, who are wealthy and able to support themselves, have had all these stallions issued to them, and the poor, needy full-blood Indians have not received any of them for their benefit. I therefore would ask your honorable commission to inquire into the

WASHINGTON, D. C., April 25, 1914.

matter and see what can be done in the premises to correct and reform the abuses therein.

Of course, these letters quite fully explain the additional disclosures and maladministration of Blackfeet matters under the present superintendency of Supt. Arthur E. McFatridge, and your honorable commission is requested to recommend such remedial measures as will provide speedy relief for the Blackfeet Indians in the way of subsistence.

I feel constrained to call the attention of the commission to the wrongs which have been practiced on the Blackfeet Indians by the present administration at this time, and I therefore offer these documents to your commission in order that they may be made a part of the record thereof.

Very respectfully,

ROBT. J. HAMILTON.

Blackfeet Delegate.

LIST OF LETTERS PERTAINING TO BLACKFEET MATTERS.

1. Letter under date of March 4, 1914, from James Housman to R. J. Hamilton, in which he states that the people are in doubt as to who is the Indian agent; whether it is Joseph W. Brown or Arthur E. McFatridge.

2. Letter under date of March 16, 1914, from William Croff to R. J. Hamilton, which has reference to intimidation of one La Mott in relation to newspaper called the Tomahawk, and also urging the repeal of the act of 1907.

3. Letter under date of April 7, 1914, from Four Horns to R. J. Hamilton, relating to the action of Superintendent McFatridge in regard to employing attorneys in the claim of the Blackfeet Indians against the United States, arising under acts of Congress, treaty stipulations, executive orders, etc.

4. Letter under date of April 10, 1914, from George Starr to R. J. Hamilton, relating to McFatridge's reappointment and the victory of the McFatridge delegation who were advocating the opening of the Blackfeet Reservation.

5. Letter under date of April 13, 1914, from George Starr to R. J. Hamilton, relating to stallions, delegation matters, and an investigation.

6. Letter under date of April 15, 1914, from James Housman to R. J. Hamilton, relating to unfair distribution of stallions, and an investigation of the reservation.

7. Letter under date of April 17, 1914, from Big Spring to R. J. Hamilton, relating to unfair distribution of stallions.

8. Letter under date of April 17, 1914, from Big Spring to the Society of American Indians relating to unfair distribution of stallions.

BROWNS, MONT., *Aug. 7, 1914.*

MR. ROBERT J. HAMILTON,

Washington, D. C.

DEAR FRIEND ROBERT: Yours of the 22d came to hand and in reply will say in regard to writing those parties that you mentioned in your letter, I do not know whether they would listen to our letters, but at any rate I will write to the Indian Office. Have handed your letter to several parties—that is, those that are on our side—and they said that they would write. Now, Robert, in regards of the patents, Clark and Dawson got their patents, and can not see why others can't get it.

And regards of Mr. McFatridge and his assistant, Mr. John Brown, of course, we do not know who is the agent, but at any rate those delegation that is there now, are there to whitewash Mr. McFatridge, and nothing for anything else. He is down East getting stallions some pinhead had come here recommended the department to furnish bulls and stallions for the reservation. What do you know about that? I think if he said cows were wanted, he would be talking. Those stallions that are going to be brought here—no one to get them but McFatridge's pets, and give those old ones to his enemies.

Say, Bob, can't you get the department to have it arranged to have this money divided up equally to each individual, so there won't be so much kick about it—that is, if any is left? When the Government sends things out here they don't all get it. You know the agent's pets get it all, and the rest has to wait for another year, and then the chances are whether they get it.

Find out if this man Roberts (his family) got on the rolls in Washington. McPatridge gave them an allotment near the boundary line. And, furthermore, we must file a protest against those outsiders running in here and taking work from the people here. You know that McPatridge protects the Great Northern, the Reclamation Service, and outsiders, and the people here get no justice from any side. I hope that there will be something done in the future. This reservation is not investigated. It looks like we wanted to be paupers entirely, and, therefore, we would like for something to be done soon. It looks like, by the time they get around, everyone, or the majority, will be dead. Why can't you show our letters at that end that you get from us at this end? If they want to listen to them they would listen to them as much as if we would be writing to them, I would think.

This is all for the present. My kind regards, and hope you will come out on the top.

Respectfully, yours,

JAMES HOUSMAN.

P. S.—Have protest against whites hunting and fishing on the reservation. They don't allow us to hunt or fish outside, and I think we can do the same thing. That was brought up before McPatridge, and he don't seem to want to look into it and see about it.

FAMILY, MONT., April 7, 1914.

Mr. ROBERT J. HAMILTON.

Washington, D. C.

DEAR SIR: I take pleasure in writing you a few lines to let you know that I was at the last meeting McPatridge called to hire new attorneys. Mr. Chief was the first to speak as usual. Of course, he spoke in favor of hiring new attorneys. He charged that one of our old attorneys called "Jack" was not a fit man to look after our affairs. At that I was on my feet in an instant, and I lead the fight by protesting against any new men to look after our big claim, and the present attorneys were good enough for me. Kennerly got up and named a delegation and asked the audience if these delegates were good enough to represent us in Washington. I objected. I told him that the delegation he named would not do any better than he did when he was chosen, a little over a year ago, to represent us in Washington. I told him that he was crooked; that he had done nothing for his people when he was in Washington. I told him that he was false, and he got up and asked the people to sign papers for the new delegation. I objected again. I told the people not to sign for the new delegates. He tried hard to get me to change and sign for the new delegation, but I stood firm on what I said. I told him in the presence of the houseful that Robert Hamilton was my delegate and he is good enough for me. This is about what I did at that meeting, so continue to do all you can for your people and we will stand by you till Jack Frost kills us all. Us people on south side are waiting patiently for you. We know that you are trying hard to win something for your people.

Now, we hear so much about cattle issue. Is there any prospects of getting any cattle? This will be all. Give my best regards to Bear Head and whoever this our friend Jack is, and tell them to work hard for us poor Indians. They will be our attorneys in our claim as long as the claims last. Let my friends see this. My best regards to yourself. Let me hear from you soon.

From your friend,

FOUR HORNS.

BROWNING, MONT., April 10, 1914.

MY DEAR NEPHEW: Your telegram received this morning at 9.30, and, concerning your family, I was over there this morning, and they are all well with this exception of little Joe, who is ailing, but nothing serious. The doctor said he had a touch of bronchitis and a little fever, but he is able to be up and around as usual. I would have telegraphed you, but it would have put us to quite an expense, and as there is nothing serious the matter I thought I would write. Mrs. Hamilton said if she had the money she would take him to some other doctor.

I wrote you two letters, one on the 31st of March and another on the 1st of April. Did you receive them? I thought probably you hadn't, as I have

received no reply to either one. The people are getting very anxious to hear some word from you one way or the other. We are in between two fires. McFatridge's delegation are sending telegrams and letters most every day, and rumor has it that they have you laid by the wayside and we are whipped: all their letters are contradictory to what you have written to us.

I am glad they think enough of me to mention me in their letters. They stated in one of their letters that we were whipped and for me to go back to my ranch and get to work. If they are working in conjunction with you, they ought to be men enough to keep their business to themselves and not be stirring up matters as they are at present.

Do you know when we are going to have a new agent, or has this man (McFatridge) been reappointed, as has been reported? We would like to hear on that subject.

We would like to know when you are coming home, as the people here (your friends) would like to have a good turnout to meet you. This is about all for this time. Hoping to hear from you soon, with best wishes from all, I remain,

Your affectionate uncle,

GEO. STARR.

BROWNING, MONT., April 13, 1914.

MY DEAR NEPHEW: Your welcome letter of the 10th instant was received this morning, and we are all glad to hear from you. I wrote to you on the 10th, after I had received your telegram, asking about your family. I was over to see them again to-day, and they are all well. There are none of them sick. I would ask you to write more often to your wife, as she would feel better if she heard more often from you. I showed her your letter this morning.

You stated in your letter that Senator Lane, of Oregon, would come here to investigate affairs of this reservation. That is just what the Indians want. He can't come any too soon to suit us. I am very anxious to hear whether McFatridge is going to stay; or are they going to remove him?

You remember I asked you about those stallions that McFatridge went East after. They arrived yesterday—28 head—and I understand he paid \$14,500 for them. We would like to know what he paid for them all; that is, just half of the horses here. We would like to know what he is going to do with 45 head of stallions here and no horses. There are some of them that I would hate to give \$100 for.

Now, our friends would like to know how our big land claim is progressing. We are still fighting among ourselves. The McFatridge crowd claim that they have the upper hand now, and they are sending us word to go back to our ranches and get to work, as we are whipped. And I won't leave my chair until McFatridge leaves his, and whenever he leaves I am ready to leave my chair too. We would like for you to let us know when Senator Lane leaves Washington for here; and are you coming with him? We sincerely wish that you could persuade Tom Sloan to come along to assist in the investigation.

There is another matter in regard to those horses that I forgot to mention. The people here don't want those horses. We were not consulted about the matter whatever. They came in on a surprise. Of course there was a few who knew all about it, but I am speaking about the majority. Well, this is all I know for the present time, and if anything else comes up I will let you know. With best regards from all your friends, and hoping that we win out, I remain,

Your affectionate uncle,

GEORGE STARR.

Keep us posted.

BROWNING, MONT., April 17, 1914.

ROBT. J. HAMILTON.

Washington, D. C.

MY DEAR FRIEND: Maj. McFatridge delegation are here yesterday, and the people of Browning celebrated their return. They got them a big supper, and the delegates made a speech after the lunch, and James Perrine said that the Commissioner of Indian Affairs said to him that the full-blood Indians were to be ahead of the half-breeds. That the breeds to stay back.

The stallions that are issued to all the mixed bloods and white men and none of the full bloods got a stallion, and I don't like it. I wish you would see the Commissioner of Indian Affairs if that's treating us justice. And most of those breeds are capable to buy a stallion and most of them now has three or four head of stallions, and no poor full bloods can't afford to buy a stud didn't get any.

Yours, truly,

BIG SPRING.

BROWNING, April 15, 1914.

MR. ROBERT J. HAMILTON,

Washington, D. C.

DEAR FRIEND ROBERT: I have the pleasure of dropping these few lines to say regards of those stallions that was brought here for the benefit of the people. We see that those horses are only for those that has got two or three and still they let those have them and the poor people stands no chance.

I went to the office this morning to get one, and they refused me, and told them that it seems to me that those horses are for those that has already got two or three.

Say, Bob, you look into this and see that you can do about this. This place is pretty rotten nowadays.

It also seems to us that Joe Brown is the agent. McFatridge has nothing to say nowadays.

I wish that gentleman would come soon and straighten things out and put this fellow out for he is no earthly good.

He made his crack that he was appointed for four years more. And if he is out here, the better for the people.

Kind regards.

Yours, respectfully,

JAMES HOUSMAN.

BROWNING, MONT., April 17, 1914.

The Society of American Indians, B Building, Washington, D. C.

DEAR FRIENDS: In your letter some time ago you stated for me to stay out of council here among my tribe of Indians and if anything I didn't like was truth for me to mention it and you'd stand good for it, and now I have something to say. I wish you would look into this matter. Our superintendent said I'm going off to buy stallions and his bought a bunch of 45 head and issued. White men got them and half-breeds and these Indians didn't get a hoof. I have just wrote a letter to R. J. Hamilton. I stated in my letter for him to speak to the Commissioner of Indian Affairs if that's treating us justice. I wish you would speak to Hamilton and have him push this through. This is the way the thing stands. I wish you would answer at once.

Yours, truly,

BIG SPRING.

BROWNING, MONT., March 7, 1914.

SERVEN & JOYCE, Attorneys.

Care of R. J. Hamilton, Washington, D. C.

DEAR SIR: We, the undersigned, petition and desire an audience. We are desirous and anxious that the delegation consisting of a few influential stockmen from this reservation be not accepted as representatives of this tribe; that they represent their interest and that of a few others, but not that of the tribe at large.

It is our understanding that Maj. McFatridge has been instructed by the Interior Department not to send or allow to be sent a delegation representing this tribe at the present time to Washington, D. C. He not only has failed to instruct this delegation not to go, but has in every way possible made it easy for them to go. He has made trips to the neighboring towns soliciting their cooperation.

We further desire it understood that we wish Serven & Joyce and A. C. J. Farrel retained as our legal representatives for our claim against the United

States for lands taken from us without consideration and contrary to treaties with us.

Yours, truly,

Myles Running Wolf, Chas. After Buffalo, Frank Vielle, John Elk Rings, Peter Grant, Wolf Plume, Richard Rondin, David Smith, Flint Smoker, Bird Rattler, Geo. Running Wolf, William Bear Medicine, Yellow Owl, Antoine Monroe, John Night Gun, Little Young Man, Chas. Dusty Bull, John Bear Medicine, Jim Fast Buffalo Horse, Dog Taking Gun, John Sanderville, Joe Kossuth, Jim Big Top, Tom Bear, Lazy Boy, Chas. Reeves, Steve Madman, Mud Head, Rides at the Door, R. Many Hides, Henry Marceau, Charley Weasel Head, Cream Antelope, Boss Ribs, Louie Champagin, Wallace Night Gun, Sheriff, Wolf Eagle, Joseph P. Russell, Tom Viele, Tail Feather, Baptist West Wolf, John Calftail, Steve Henault, New Breast, Looking for Smoke, Jack Big Moon, Running Fisher, Curley Bear, James Housman, Louis Favel, George Pablo, Henry Whitford, Black Weasel, James Black Weasel, Clears Up, Dan Bull Plume, Louis Monroe, Frank Monroe, Antoine Monroe, Peter Weasel Head, C. Bull Calf, Baptist La Frombuise, Henry Heavy Gun, West Wolf, Sam Yellow Wolf, Hairy Coat, Eli Rider, Reuben Blackboy, Mike Oscar, Earnest Cut Finger, James Pambrun, John Hills Across, Bear Head, Eagle Tail Feather, Good Gun, John Black Bear, Stingy, Heavy Gun, Tom Little Bear, Powder Bull, James Spotted Eagle, H. W. Jackson, Big (his x mark) Spring, Eddie R. Crane, Yellow (his x mark) Kidney, Peter (his x mark) After Buffalo.

BOARD OF INDIAN COMMISSIONERS

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
SECOND SESSION

TO

INVESTIGATE INDIAN AFFAIRS

FEBRUARY 5, 1914

PART 7

Printed for the use of the Joint Commission



WASHINGTON
GOVERNMENT PRINTING OFFICE
1914

CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.

HARRY LANE, Oregon.

CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEPHENS, Texas.

CHARLES D. CARTER, Oklahoma.

CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.

ROSS WILLIAMS, Arkansas, *Clerk*.

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BOARD OF INDIAN COMMISSIONERS.

THURSDAY, FEBRUARY 5, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The commission met in its office, room 128, Senate Office Building, at 10 o'clock a. m.

Present: Senators Robinson (chairman), Lane, and Townsend, and Representative Stephens.

Present also: Messrs. George Vaux, jr. (chairman), William D. Walker, Warren K. Moorehead, Samuel A. Eliot, Frank Knox, Edward E. Ayer, William H. Ketcham, Isidore B. Dockweiler (members), and Frederick H. Abbott (secretary), of the Board of Indian Commissioners.

Secretary ABBOTT. There are present Commissioners Eliot and Ketcham, who have recently made some investigations in the field, and you might be interested to hear from them.

The CHAIRMAN. I think we would be glad to hear, in advance of those statements, historical statements, showing the origin and authority of this commission, and in a general way the character of the work it performs.

Secretary ABBOTT. I suggest that Chairman Vaux make that statement.

STATEMENT OF MR. GEORGE VAUX, JR., CHAIRMAN BOARD OF INDIAN COMMISSIONERS, PHILADELPHIA, PA.

Commissioner VAUX. Our board, gentlemen, was established under an act passed in the spring of 1869. Just after President Grant was inaugurated he turned his attention to Indian Affairs, as to which there had been considerable public scandal, and as the result of his desires there was authority of an act of Congress for the appointment of a commission, to serve without pay, to be selected from men who it was thought would give intelligent attention to the subject of Indian administration, and who were to report directly to the President of the United States the results of any investigation and suggestions they might have to make looking to the improvement of the Indian Service.

Following that, the duties of the board became quite extended, for in addition to inspection of reservations and also the methods in the bureau in Washington, all of the payments made by the Government for Indian matters could only be made after the bills had been examined and audited by the Board of Indian Commissioners.

During the period that the law remained in that condition there was a very large corps of clerks employed; I have forgotten the exact number. It was many years, of course, before I had anything to do with the working of the board personally, but I think that at one time there were possibly as many as 120 employees of the Board of Indian Commissioners. In the course of time and with the improvement of these methods, and the auditing system that was adopted for the Indian Bureau, those functions were withdrawn from the Board of Indian Commissioners, as there was no longer any necessity for them, and the duties of the board were changed by later legislation so that at the present time the functions are those of examination and inspection and consultation with the executive authorities of the Indian Bureau in the Department of the Interior. These include not only questions that may arise as respect operations of the reservations themselves, but also in connection with the purchase of supplies, as to which the Commissioner of Indian Affairs is directed by law to consult with this board in detail.

In the early times the board was exceedingly active. Dr. Felix Bruno was an early, if not the first, chairman of the board. He negotiated a number of treaties and gave a very large part of his time to its work. More recently the board has been less active, for various reasons. Until about two years ago, as respects the performance of its functions, they were rather limited. Within the last four years the board has become rather active again, and has taken up the investigation of a number of problems arising on Indian reservations at first hand by actual visitation and investigation by individual members of the board or committees of the board, in addition to cooperation with the Indian Bureau in connection with the supplies that are being bought for that department.

At the moment there are several matters of importance that have been claiming first-hand attention. Commissioner Ayer has been on the Menominee Reservation, in Wisconsin, and has conducted an exhaustive examination into the situation of affairs there, especially relating to the actual results of the operation of the mill at Neopit, and yesterday we received from him a very exhaustive report on that subject, as to which he will be glad to tell you anything you may wish to know.

Commissioners Eliot and Ketcham have just returned from the extreme Southwest. They have given considerable attention to the status of the remnant of the band of Fort Sill Apaches that are still in Oklahoma; to the conditions on the Mescalero Reservation, where the rest of the Fort Sill band are now located; to the situation of the Pimas, and the Papagos, the Navajos, and the Pueblos.

As to each of these tribes of Indians they have filed reports, which are just in process of being transmitted to the Secretary of the Interior and the Commissioner of Indian Affairs. They contain voluminous recommendations as to the handling of the problems that are confronting us, very largely, we hope, in a constructive way, to prevent conditions coming about that will have to be remedied by something radical hereafter if they are not foreseen and provided for.

The CHAIRMAN. Have you available a compilation of the provisions of law relating to the duties and powers of this board of commissioners?

Commissioner VAUX. I have not here in my pocket, sir. Perhaps Mr. Abbott has brought it.

Secretary ABBOTT. I can get it here in a few minutes.

The CHAIRMAN. I have it here. Who will be heard next?

(Printed hereafter.)

Commissioner VAUX. I think probably that Commissioner Ayer should tell you with regard to what he has seen in the Menominee Reservation, in Wisconsin.

STATEMENT OF MR. EDWARD E. AYER, CHICAGO, ILL., MEMBER OF THE BOARD OF INDIAN COMMISSIONERS.

Commissioner AYER. I was requested by the board, seconded by Commissioner Moorehead and Secretary Lane, to make a general investigation there. I sent a copy of my report to you, Senator.

The CHAIRMAN. I have received it.

Commissioner AYER. It was a big subject. There are 250,000 acres of land there; there are 1,700 Indians; a sawmill, which has been an experiment; the commission's schools and the Government's schools, an enormous proposition——

The CHAIRMAN. Will you submit a brief review of the conditions as you have found them there, and also your suggestions in connection with them?

Commissioner AYER. Before I went to the reservation I got from Commissioner Sells a voluminous letter from an attorney up in that country, who had made serious charges against the whole proposition. I was an entire stranger to the location, to the proposition; I never had been on the reservation and never had seen any human being who had been on the reservation. And I will take the opportunity of saying, too, that I was asked if I had any lumbering interests in Wisconsin. I have not handled a stick of lumber north of the Ohio River in 16 years. I never handled a stick from that neighborhood in my life.

I first asked Commissioner Sells to send me the strongest man that he had in the Forestry Service. My exact words were, "I want you to send me a man that can tell me about the theory of forestation, and all that sort of thing, and a man that you have entire reliance in." I also brought up from the South one of my company's old logging superintendents, and I took our secretary and treasurer, who had been in the business 25 years, had spent much time in the woods in Arkansas as a boy, and in his duties had gone over our properties once or twice a year, and I took my own stenographer.

This gentleman who made those charges met me at the station. And, by the way, Commissioner Sells suggested it would be a good thing for me to give him an interview, but I readily saw the conditions. He had been nearly a year working up a sentiment there against the property, practically all the information coming from disaffected Indians, largely half-breeds who had worked their way into the tribe in modern times.

I first went over the yard—I am entirely familiar with that part of the work—with all of these men, and made notes there myself. In the meantime I never exchanged a word with the superintendent in regard to conditions there. He never was present at any moment

during my investigation or questioned pertaining to the examination of any witness in any way, shape, or manner.

The next morning I told this gentleman who had made these charges—first, I told him he had better take not over five Indians into the woods. I reconsidered that, and told him to take just as many as he wanted. I also sent my superintendent and the forester that Mr. Sells has sent me, and my secretary, who was also a practical woodsman, and the agent and his logging superintendent, and the Government logging cruiser, who is the adviser of how much lumber shall be cut. They all went into the woods.

There had been charges made of tremendous waste in logging, and all that sort of thing, and photographs furnished. I will say that they have to log all the year long. They go back from their temporary railroad properties 1,200 or 1,400 feet, and that is logged in the summer where they can snake in with their machinery to the railroad. Then, behind that, in the winter they log a mile or two away and draw it in with sleds in the usual way, so that if anything should happen—for instance, last year the snow went off 30 days earlier than usual, and there were some logs left in there. They went entirely over this, practically the cut of three years, which represents the time since the mill has got on its feet under this present administration. I also took the sworn testimony—Mr. Nicholson, after we came away, sent his logging superintendent and the Government logging superintendent—

Senator TOWNSEND. Who is Mr. Nicholson?

Commissioner AYER. The agent. I had them scale every log that was left on the whole proposition of the three-years' cut, both of my men and the men that Mr. Sells furnished—the exact scale of every one of these logs. And these men, all under oath, all agreed practically on a certain number of logs that had been left, and it was 103,000,000 feet of lumber cut in those three years. The lumber that was left there would practically make two carloads of lumber. It was the cleanest proposition I ever came in contact with in my life. Understand, I did not go out there myself—I am too old—but I took the trouble to get this kind of testimony.

There was also the question raised that they had sorted the best timber and had left large amounts of inferior timber. That was true one year especially, from the following fact: Just after Mr. Nicholson, the agent, got fairly at work there was a fire swept through 50,000,000 feet of fine timber. The white pine was valuable, the hemlock was not. The hemlock at that time would barely pay for cutting. They made extreme efforts to save all this white pine that that fire had run through. In that year they cut 16,000,000 of that and the next year 5,000,000. The total estimate of white pine on the reservation is 10 per cent. The next year, the year ending this season, they cut 3,000,000 feet, which was less than the average of the whole white pine on the reservation.

Then the claim was made that the mill was absolutely losing money. The first building of that mill, the location of it, was a great mistake. That was put in charge of the Forestry Department, and they were impractical men; and the first two years were disastrous from trying to work timber that could not be worked, and there was a large loss. That had been thoroughly investigated by the Senate committee of

about that time, and this change was made in accordance with that, so my investigation only pertained to the present occupation.

The stumpage credited to this mill in operation was the stumpage made up in the office here, and that was the stumpage that had been credited to all of this 105,000,000 cut. Under that stumpage the mill the first year made, net, about \$60,000, and about \$200,000 the second year, or something like that. It is all in my report there, Senator. It showed a net profit, after taking out the stumpage according to these figures, of \$245,000 in the three years that this agent had been there.

As I said before, they were using that stumpage. I was not satisfied with that. I did not think it was enough myself on the hemlock, and I went to one of our strongest lumber companies in Chicago and asked them if that was a fair stumpage. They said they did not think so. I said, "Please put down opposite this what you think would be a fair stumpage in these times." They left the white pine where it was and raised the others. They doubled the hemlock.

I then had a statement made up of the exact number of each kind of lumber that they had cut each of the 13 years. I consolidated them and added the stumpage, and it came, my recollection is, to \$39,000 more. Subtracting that from the \$245,000, or something like that, profit of the three years, it still left \$280,000 net profit, after the full count of stumpage had been added to the proposition.

I also had a statement made up showing the interest on the capital stock that this money would represent for the three years. The first year it paid about $4\frac{1}{2}$ per cent, or something like that, and the second year about 6 per cent, and the last year about 9 per cent.

In the meantime in those three years there had been \$451,000 of stumpage and profit paid into the treasury, increasing the tribal funds to that extent. In the meantime there had been a good many improvements made in the mill. It was located on a tremendous slough, and it was a great expense there, and they were building habitations. By the way, they loaned money to the Indians. They built an Indian there a house and took it out monthly and did not charge him interest. They were building school houses and that sort of thing, and a planing mill, which was very necessary. They had used the balance, lacking of the stumpage count and the profit, except the \$451,000, which showed an increase in the tribal funds from the date this man came here to date.

I then found also the most wretched system of selling timber that could be conceived. This mill is in opposition to the local mills everywhere they sell their lumber. The Government rule made these people advertise in the papers that they had so much lumber for sale and ask for bids for it. If you are in the lumber business you have a planing mill and prepare this lumber for the country yard, and distribute it to the smaller towns all over the country, and get whatever there is in it. These people have to advertise it, and, of course, the lumbermen get that timber just as cheap as they can. I am sure it has made a difference of \$2 a thousand on every stick of timber sold. It has made a difference of \$60,000 a year that was absolutely thrown into the fire by Government red tape.

In writing to the Secretary about that I said, Now, the country yards are rich people as a rule, and there is not any country yard that

can not get an indorsement from his bank for anything he wants. They put on a traveling man at \$2,000 a year, and sell that lumber direct instead of by bid, and, to show the condition, the United States is a large user of sawed lumber—

Senator TOWNSEND. Mr. Commissioner, I do not believe I have it clearly in my mind what disadvantage it is to the Indians to have these bids advertised.

Commissioner AYER. What advantage?

Senator TOWNSEND. What disadvantage. I understood you to say it was a disadvantage to the Indians.

Commissioner AYER. Because instead of going and selling this lumber at the full price, it is distributed to the farmer and user, which all lumber concerns do, put up in bunches, and can only be handled by the speculator and the middleman, who makes \$2 a thousand that he is not entitled to.

The CHAIRMAN. Virtually sold at auction?

Commissioner AYER. Yes.

The CHAIRMAN. Is it probable that the bidding is collusive?

Commissioner AYER. It can not be otherwise. Another thing, Senator. I asked one of the principal lumber yards—all those lumber yards are bidding from the outside—"Will you handle this lumber for the mill?" and he said, "Yes." I asked, "Will you handle it at \$1 a thousand?" and he said, "No; I won't." That would make \$30,000 a year under those conditions.

Representative STEPHENS. When were these sales made?

Commissioner AYER. Just as the lumber got fit to sell.

Representative STEPHENS. When was the last one?

Commissioner AYER. I can not tell as to that.

Representative STEPHENS. From two or three years?

Commissioner AYER. No; they are selling every day; they are sawing all the time.

Representative STEPHENS. Who made the rules by which it is sold?

Commissioner AYER. The Government.

Commissioner VAUX. It was provided for in the act of Congress of 1908.

Secretary ABBOTT. March 28, 1908.

Commissioner VAUX. It absolutely specifies that this method must be followed of asking for bids and selling to the highest bidder.

The CHAIRMAN. In that connection, under the other system suggested by Commissioner Ayer, would it not be possible sometimes, or probable, that the grossest kinds of fraud could be perpetrated upon the Government? Suppose you have a dishonest representative who would collude with the buyers. My impression has been that there is a great deal of that kind of business in all Government and quasi Government transactions where you have an agent that goes out to negotiate transactions of that sort. It is very easy for him to get a commission from the buyer, and, of course, that makes him the secret agent of the buyer, and if there is no competition he can sell at any price he wants and ask any commission they will pay him, and between him and the buyer they can rob the Government of any amount they want to.

Commissioner AYER. That would be true if this lumber were sold in large quantities. You could select from Bradstreet four or five towns and sell to the individuals in those towns, and some of them

would not buy over one carload a year. Another thing, every other lumberman sells that way. You would have to put that man under bond; and, over and above that, the lumber associations of that country establish the wholesale and retail price of this lumber, so that at the mill you keep posted in that way.

The CHAIRMAN. You could very easily detect the matter if the man is disloyal to the service?

Commissioner AYER. Absolutely.

Senator LANE. There would not be any trouble about checking the price?

Commissioner AYER. That would have made a difference of \$150,-000 in the prosperity of that concern.

The CHAIRMAN. But by collusion at the mill that could be overcome by dishonest agents by means of classification?

Commissioner AYER. Yes.

The CHAIRMAN. I merely suggest this, Mr. Ayer. It is merely suggested to my mind that there are inherent difficulties, and that the whole fundamental of the proposition is honest representatives.

Commissioner AYER. Yes. To sum up, the charges were that this mill was grossly mismanaged; that there was a tremendous waste in the woods; that the yard was not kept in order. I have the sworn testimony of a gentleman who was familiar with 40 yards, who said that this was as clean a country yard as he knew. And my own man, a man of experience, said there was no criticism at all in that respect.

The bad feature of all this is that these outside influences—for instance, the Indian that is bringing these charges and has been the mouthpiece of the people trying to get hold of the salaries and that sort of thing on this reservation, is a man that has not done a stitch of work for three year—two years, surely—and one or two others have not. They are supported from some source. Before this bill was started these logs were always sold to the different lumber concerns, and you all know what that condition has been, Senator. It was terrific.

Now, there is another feature in this. There are 1,700 people. They wanted to be taught to work. The first years it was difficult to get them to work. In the meantime the young men have come on and the others have been taught, until this year there was an average of 271 men working every day in the year in that plant—Indians—at the same wages they paid white men. That was one of the handicaps this agent had. You all know how unstable an Indian is as a rule. For instance, I am there working at an important part in the mill. I would conclude I wanted to go fishing, and the next morning I would not show up, and perhaps I would not for a week or two. If they stop one side of that mill it costs 50 cents a minute. The law established that mill, and it is right it should. The whole object of that was to educate the Indians to work, and it is progressing in splendid shape.

Senator TOWNSEND. What is the influence, in your judgment, Mr. Commissioner, back of these busybodies?

Commissioner AYER. Well, we don't know. We certainly know that these lawyers that are trying to get a contract to stand between the agent and the individual Indian that is in trouble have not any money. That is certain. The lumber mills all over that country are

largely sawed out. There are mills near the towns that do not get a quarter of the cut. If they could go back to the old theory of logging 40,000,000 feet of logs a year and selling it to those mills it would be a splendid thing for them. That would furnish the Indian about three months work a year. Now he has steady work in every conceivable way in regard to marketing thirty or thirty-five million feet of lumber a year, and that is one of them.

Senator TOWNSEND. What proportion of the Indians are favorable to this community logging camp?

Commissioner AYER. In my testimony there you will see that some of the best Indians there have estimated there were from 5 to 10 per cent disaffected, and through this sort of thing: A letter written by a lawyer from Washington last September said that the Menominee Indian Reservation had lost in the five years of operation one million four hundred and some odd thousand dollars and some cents.

Now, there is no financial phase of that proposition that is not right here in Washington. It shows in the books here in Washington that here has been added in the last five years from that plant \$451,000 to the money belonging to the Menominee Indians. That man knew that was not true, Senator, when he wrote that letter. That was scattered broadcast among the Indians.

Senator TOWNSEND. Who wrote that letter?

Commissioner AYER. Mr. Ballinger, a lawyer in this town. The other man that made these charges that you have in my report was a Mr. Tyrrell, from Gillett, Wis. You can see from the testimony of his own Indians and by Mr. Tyrrell's testimony that the theory was that they want \$8,000 a year to spend between the agent and the Indians that represent the Indians on that reservation. This conspiracy has been going on nearly a year, and the whole showing is that there was a waste perhaps of two carloads of lumber in 105,000,000 feet, and that the Indians were working better than they ever had. I think it would please any of you gentlemen to go into that town and see the cleanliness of it, the order of it, and see how well the Indians are doing there, how well they are managed, and all that. It is a calamity to have such outside influences.

Another thing. If you want to start any more lumber mills, for the Lord's sake get a committee, pick out half a dozen men to go and look it over, tell what the capital stock shall be, where it shall be located, and all that. Then you won't have any such trouble as you have had here by putting in inexperienced foresters and boys and spending half a million dollars on a proposition of that kind.

Senator LANE. How much did the mill cost?

Commissioner AYER. The whole capitalization is about one million and a few thousand dollars.

The CHAIRMAN. Does that represent the actual value of the property?

Commissioner AYER. That is the actual value of the property, except, possibly, \$79,000 lost in the first proposition there by the getting of bad timber and all that sort of thing.

The CHAIRMAN. Who owns the stock?

Commissioner AYER. We call it the capital stock. There is no stock; that is what the mill represents. Now, as against that you have your mill, you have your village, you have your dams, your runway, 40 or 50 miles of railway, your organization, and all that

sort of thing. That includes the money that was lost too; that is included in the expense. It would make about \$750,000 the absolute cost of that plant as it stands to-day. And I might say, from my own experience, my concern has handled in the last 16 years 7,000,000,000 feet of lumber.

The CHAIRMAN. You yourself are engaged in the lumber business?

Commissioner AYER. Yes; but not up there.

The CHAIRMAN. You are a practical lumber man?

Commissioner AYER. Yes, sir.

The CHAIRMAN. Now, if I understand you correctly, you think you would in substance make three criticisms of that project: First, the mill was not located properly?

Commissioner AYER. Yes.

The CHAIRMAN. Second, in some instances, there was not a sufficient or proper amount paid for the stumpage; and, third, that the system of selling results in an enormous loss annually to the Indians?

Senator LANE. There was nothing said, I think, about the pay for stumpage, was there?

Commissioner AYER. No; there is no stumpage sold there. I said that was all right five years ago, or three or four years ago, but the timber is gradually decreasing, and it was on that basis that I made up the new statement doubling the stumpage on hemlock and giving an additional cost to certain other wood.

The CHAIRMAN. You merely referred to the stumpage as one item of the cost?

Commissioner AYER. Yes.

Commissioner VAUX. It is simply a matter of bookkeeping whether that is credited to upkeep or credited to the mill. The Indians get it in either event.

Commissioner AYER. The amount of that whole thing is that you are teaching those 1,700 people to conserve their property in the future, and as generation after generation goes on you will have boys that will be able to do this work.

The CHAIRMAN. That as I understand it, is in the nature of a demonstration plant?

Commissioner AYER. Yes.

The CHAIRMAN. It is proving a success, in your judgment, from a financial standpoint?

Commissioner AYER. Yes, sir.

The CHAIRMAN. Now, let us see what it has accomplished. How many Indians were actually employed in that mill when you were there?

Commissioner AYER. The sawmill was shut down for two weeks when I was there. There are 480 adult Indians on that reservation. The average number of workers in the mill and in the woods last year daily was 271.

The CHAIRMAN. How many out of the total number of employees of the mill?

Commissioner AYER. About 45½ per cent of the employees were Indians, and they were short of labor all the time. When they could not get Indians they took white men, of course.

The CHAIRMAN. The charges that were made against the superintendent there, Mr. Nicholson, embrace one specific allegation that he had violated his duty in declining to give employment to Indians

and preferring white employees. What investigation did you make into that?

Commissioner AYER. I made investigation by asking the leading Indians of that place if in their judgment there had ever been any cases where Indians could not get employment. Every one of them, except the disaffected, who had been disciplined for drunkenness, for malfeasance, immorality, and that sort of thing—they all say what I gave in my report of the gentleman, whose name I did not mention—a man that has been there 17 years. He says there has been no time when any Indian could not get work that wanted it. There has been no time in the past year when they have had men enough to run that plant properly and as economically as it ought to be run.

The CHAIRMAN. Do you mean to say they were unable to secure enough Indians to do the work?

Commissioner AYER. Absolutely; and every inducement is offered for Indians to go to work.

The moral effect of the association on that has been first class. Now, I find there are 250,000 acres of land and probably 100,000 acres of grazing land. It is a crime to allow that food to go to waste. I will say that Commissioner Sells is already making arrangements this next spring to put on it a large body of sheep. I recommend putting a thousand cows there and, as soon as we can develop a place, cut hay for them; then every fall take the steers and put them on the market and sell them to the feeders. The corn belt is only 300 miles away.

Another thing: That reservation has never been cruised. Why, if a man would do business that way his credit would not be worth a nickel. There are 250,000 acres of land that no man knows the value of. That can all be done by experts for 5 cents an acre. Then, there should be in this place here and in Neopit analyses showing the capacity of particular sections of that reservation, whether it should be used for pasturing, raising hay, farming, reforestation, or some other use.

Senator LANE. To a man that has been used to doing business on business principles it looks rather slack, does it not?

Commissioner AYER. Not in the logging business; but in these other ways, very much so. And there is nobody to blame for that but you gentlemen.

Senator LANE. It comes right back to Congress?

Commissioner AYER. Right back into Congress, every bit of it; yes, sir.

Commissioner DOCKWEILER. We do not hold these present gentlemen responsible.

Commissioner AYER. Oh, yes; we do.

The CHAIRMAN. We get lectures daily, as far as that is concerned; and we have not called you gentlemen here for the purpose of delivering us lectures. We want information and suggestions.

Senator LANE. I think that is pertinent and good criticism. Senator Robinson, coming, as it does, from a business man who understands business principles.

The CHAIRMAN. I am glad to get his suggestions.

Commissioner AYER. I certainly owe you an apology.

The CHAIRMAN. How long were you on the reservation, Mr. Ayer?

Commissioner AYER. I was up there three days and a half the first time. I did not go into the woods, understand. I am too old, nearly 73 years, but I had these experts from the Government. While the people were in the woods I took testimony and familiarized myself more with the yard and all that, and called in many Indians and took their testimony, which you will see. Then, I never said a word to Mr. Nicholson, the agent, at all, until I got home and got the report of Mr. Kinney, the Government report, and my man's report—all of them. Then I asked the questions that would bring out his defense. You will see it all in that paper.

The CHAIRMAN. You were there three days and a half, you say?

Commissioner AYER. Three days and half the first time.

The CHAIRMAN. And, under the circumstances, you did not go into the woods yourself?

Commissioner AYER. Oh, certainly not.

The CHAIRMAN. I did not know whether you had or not. I did not know of any reason that would have prevented your going there. Now, you submitted the testimony that you took, with your report, to the Commissioner of Indian Affairs?

Commissioner AYER. Every single question that I asked anybody there is in that report.

The CHAIRMAN. You think that the operations of the mill, so far as its actual conduct is concerned, are businesslike and successful?

Commissioner AYER. Yes, sir; remarkably so, under the handicaps that are there.

The CHAIRMAN. Did you investigate all the charges that were made against the conduct of the affairs of that reservation, or only just particularly the sawmill matter?

Commissioner AYER. I was sent there to investigate that reservation, and no investigation would have been worth a nickel that did not take in the matter of conditions on the reservation—moral, physical, intellectual, and financial propositions.

The CHAIRMAN. What did you find there with reference to the introduction of liquor by white employees?

Commissioner AYER. That is one thing that seems to be almost nil. The investigation shows that there have been numerous prosecutions. And if there is one thing that Mr. Nicholson has been efficient in it is in keeping that away.

The CHAIRMAN. Did you find many cases of violation of the law?

Commissioner AYER. I did not find any. I could not see that, of course, in three days. I saw no drunken men or anything of that kind. I only found in a general way the conditions there and the morale of the place.

The CHAIRMAN. There was a specification in those charges that the Indian employees were abused by the white employees, and that the superintendent permitted that. Did you look into that?

Commissioner AYER. Yes, sir; I do not think it is true in any way. There was no indication of it, and they practically never suggested that to me. Of course, every single charge there you would find in Mr. Nicholson's report to me, in a way—the biography of all these men. It is very easily investigated if you are not satisfied. It is a matter of record in the office.

The CHAIRMAN. What kind of work do the Indian employees generally do? Can they do anything about the sawmill?

Commissioner AYER. The Indian is not employed for a sawyer; he is not employed for an engineer; he is employed as a fireman; he is employed for attending, and some of them can ride the carriages. But a sawyer can make \$50 a day or lose \$250 a day, and they never have the experience that would teach them that. The records show that the Indians as a rule have been a dead failure in running the logging camps. You will see in that old investigation what the conditions were when the Indians were given those logging contracts. They immediately brought white men in to do every one of them, and they had a dead margin on it. Now, as a rule, in the testimony there, there are usually two or three Indians in charge of the logging camps in the woods, and efforts are being made to educate them in that manner. There has been a long time that there has not been a single Indian in charge of the logging camps, and, of course, there is no disaffected Indian that does not think he would be capable of that.

Senator TOWNSEND. Is the Indian improving much?

Commissioner AYER. Very much.

Senator TOWNSEND. How can you demonstrate that?

Commissioner AYER. By going back in the history of the Redman.

Senator TOWNSEND. Do you know what the condition of the Menominee Indians was prior to the establishment of that mill?

Commissioner AYER. I have a library, Senator, that tells me the condition of every Indian tribe in North America since the discovery of North America, since the first white man was in any district in North America.

Senator TOWNSEND. How has the Menominee Indian improved by reason of that mill?

Commissioner AYER. Because it gives him more labor. Before that mill was begun the logging contracts were let to Indians. The scalers were bought up, and there is a suit here now in these courts for dockages made, and all those questions. All those logs were sold and all the manufacturing done away from that reservation. The Indian had none of it. That has been so from time immemorial. Some of them had little patches of ground under no supervision; others were largely hunters and trappers. To-day there are some of the finest educated men—look at that letter of Oshkosh and several of the other men. There are many highly educated men. They are morally developed, and I take the opportunity of saying that the missions there have done splendid work for a number of years.

Senator TOWNSEND. Are they thrifty?

Commissioner AYER. No Indian is thrifty. There is not one in 10,000.

Senator TOWNSEND. Is the mill encouraging habits of thrift?

Commissioner AYER. Absolutely. And I want to suggest, too, that there is another little thing that might help. I would establish a system of prizes to the men that did the most work in the mill and in the yard at each one of the camps, and all that sort of thing. The young men, of course, are working better than the old ones. That is encouraging.

I have made a recommendation there that to me is quite a vital one, to get these Indians to farming as fast as possible, to give them

assistance. Then—as you all know in all your States what farming has got to be—I would have the Government keep two or three boys every year in Madison, studying forestry, chemistry, agriculture, and the different phases of stock raising.

The CHAIRMAN. Who would select them?

Commissioner AYER. The brightest boys from the schools that are right there. They would come back and analyze my soil and tell me I had better raise this or that; tell me the best class of pigs, the best class of chickens, the best class of turkeys, the best class of cows, and all that, and have a general scientific supervision over these men, because the eventual life of those men has got to be on the farm.

Senator TOWNSEND. Is anything being done along that line, Mr. Ayer?

Commissioner AYER. On the reservation?

Senator TOWNSEND. Yes.

Commissioner AYER. Very little. Some of the pagan Indians and some of the Christian Indians have little farms, but they need this scientific supervision and inducement.

Senator TOWNSEND. Do they have an Indian farmer up there?

Commissioner AYER. Yes; they have.

Senator TOWNSEND. What does he do?

Commissioner AYER. He is supposed to help.

Senator TOWNSEND. You did not go into that?

Commissioner AYER. No.

Senator TOWNSEND. Did you investigate anything that the Government employees are doing up there to make the Indians more industrious, more self-supporting, more thrifty?

Commissioner AYER. Yes; but you must understand that the agent is the father, mother, grandfather, grandmother, nurse, and wet nurse of the whole 1,700 people on that reservation, and I think any investigation will prove that there has been a great advancement in every way through the schools. Of course the mill has spent some money in getting better training schools there. That is a very important thing, that these boys be brought up to be mechanics, farmers, etc.

Senator TOWNSEND. Do you know for a fact whether they do attend school or not?

Commissioner AYER. They do.

Senator TOWNSEND. They all do attend schools?

Commissioner AYER. Practically. There are two day schools and two Catholic schools. Father Ketcham is familiar with that, and he can probably tell you better. Probably there is another one. There are about 80 children in the Catholic school at Neopit, and they are just building a new school. They were overrun at the other one. There were four schools on the reservation in the two villages, and every scholar has an opportunity to go.

I made an investigation of the conditions of the older Indians, in their little homes, who have come under the Christian influences, and found there was a very marked improvement in cleanliness and sanitation, and all that.

Senator TOWNSEND. How do the Menominee compare with respect to those conditions with other tribes that you have visited?

Commissioner AYER. You can not compare a Pueblo or a Mescalero or Papago or Navajo Indian with any of these other tribes. My business has not been visiting Indians; in fact, this is the first personal investigation I ever made, and, I will be perfectly frank with you, I hope it will be the last.

Senator TOWNSEND. You went up there principally to investigate the lumber business?

Commissioner AYER. No, sir; I went up there for the purpose of investigating conditions generally on that reservation, which is my duty as a member of the commissioners' board.

Senator TOWNSEND. And I understand you did investigate the lumber business?

Commissioner AYER. No.

Senator TOWNSEND. What about the farm?

Commissioner AYER. That farm was out some distance, and it was bad weather, and I did not get out there. Of course there were a great many things which a person could not do in the time I had. I spent a good deal of time on it, but all the farming there is there is in a primitive state, and there has been no funds available to make it anything else.

Senator TOWNSEND. What is the condition of the health of those Indians up there?

Commissioner AYER. There is some trachoma and some eye——

Senator TOWNSEND. Some what?

Commissioner AYER. Some trachoma and some tuberculosis, but they are sending their children up to Minnesota to a sanitarium that are infected with tuberculosis, and there is a fine hospital at Keshena and a doctor at Neopit, and every case of the kind or destitution or of sickness and all that is looked after, and they have a female field matron, who visits all of these homes within 10 or 15 miles of Keshena, wherever they are tucked away in the woods or anywhere.

Senator TOWNSEND. Do the parents of the children who are afflicted with tuberculosis or trachoma consent to their being removed to the sanitarium?

Commissioner AYER. Oh, yes. They do because they have to. There are a good many intelligent people there, and the Indians realize they are trying to do the best thing they can for their children.

Senator LANE. What is the percentage of tuberculosis there, Mr. Ayer; do you know?

Commissioner AYER. No; but there is quite a little of it.

Senator LANE. Is it increasing or decreasing?

Commissioner AYER. I think it is decreasing, if anything.

Senator LANE. What about trachoma?

Commissioner AYER. Trachoma—that is being attended to, too. I think that is decreasing.

Senator LANE. Are they isolated—the tubercular cases?

Commissioner AYER. The tubercular cases are being isolated, and they do not let them go to the schools, and as soon as they can they send the field matron, who takes them up to this sanitarium in Minnesota.

Senator LANE. Is it an out-door sanitarium?

Commissioner AYER. An out-door sanitarium; at a place in Minnesota.

Representative STEPHENS. They have hospital facilities, then, for the sick children?

Commissioner AYER. Oh, yes; they have just as good as anybody can have, and there about 8 or 10 Indians that have families and all that that are in that hospital.

Representative STEPHENS. How many day schools have they on the reservation?

Commissioner AYER. Two; one each Catholic and missionary, and two Government.

Representative STEPHENS. You call those sectarian schools "day schools"?

Commissioner AYER. No; one of them—

Representative STEPHENS. Or boarding schools?

Commissioner AYER. The one is boarding and the other day. There are two day schools at Neopit, where the mill is, and there is one where they board in Keshena, and one that they do not.

Representative STEPHENS. Are there school facilities for all children?

Commissioner AYER. Oh, yes; I think so. Of course there are some you never could get in school. Some of the Indians are scattered around in little hamlets in the woods, and where it is impossible, unless they put their children in boarding schools, to have schools for them—little settlements of three and four huts.

Representative STEPHENS. You say you were there on the reservation about three days?

Commissioner AYER. I was on the reservation the first time three days, and the next time about three days.

Representative STEPHENS. You were out on the reservation about six days altogether?

Commissioner AYER. Yes; altogether.

Representative STEPHENS. The agent and the mill are in the same place?

Commissioner AYER. Yes; in Neopit.

Representative STEPHENS. What is the name of that?

Commissioner AYER. Neopit.

Representative STEPHENS. Is it on the railroad?

Commissioner AYER. Yes. By the way, there is another thing I want to especially speak of, one of the first recommendations I made: That railroad stops at Neosho, about 20 miles down, and then runs up through the reservation. They have not a freight car in the world, or practically any cars, and they run a little "jerk-water" passenger train over the road at a fare of 4 cents a mile and without any facilities only as they get it from the Northwestern.

Representative STEPHENS. How are the freight facilities on this railroad?

Commissioner AYER. The Northwestern supplies them cars, as the Northwestern connects with it at this town, and that is not satisfactory to the Northwestern road, and it is not satisfactory to the mill. The Northwestern road has made two or three surveys in there, and they told me—I saw the president of the road and asked him in regard to it—so I could report to you gentlemen, and he said that they would build in there within a year or two if you want to pay for the right of way, and you would then have all the facilities of this Northwestern road in the way of stock and cars.

Representative STEPHENS. What is the size of the reservation?

Commissioner AYER. Purely a mill town, probably a thousand people in it.

Representative STEPHENS. Any hotels?

Commissioner AYER. No—there is only a lumberjack hotel.

Representative STEPHENS. Where did you have to stay?

Commissioner AYER. I stayed with the agent.

Representative STEPHENS. You did?

Commissioner AYER. Yes.

Representative STEPHENS. Who is the agent?

Commissioner AYER. Nicholson.

Representative STEPHENS. How long has he been there?

Commissioner AYER. Three years before, so far as I know. I never saw him before I met him there.

Representative STEPHENS. What influenced you to go there and make this examination?

Commissioner AYER. I was asked to do this by this Board of Indian Commissioners, of which I have the honor of being a member, and also by Mr. Sells, the Indian Commissioner, and Secretary Lane.

Representative STEPHENS. About what time did you go out there; what time in the month?

Commissioner AYER. The 1st of November. Then I came back and digested my information and went up again. I had not gone to Keshena the first time, calculating to go back, and I went back then and spent a day and a half among the Christian and pagan Indians; and then to the mill, and on to another settlements of pagans about 6 miles up the river.

Representative STEPHENS. Do you know a Mr. Abbott?

Commissioner AYER. I knew Mr. Abbott; yes, sir. I have known him since I have been on the Board of Indian Commissioners.

Representative STEPHENS. How many years is that?

Commissioner AYER. Two.

Representative STEPHENS. You have been on the commission two years?

Commissioner AYER. Yes. By the way, I was put on by Mr. Fisher.

Representative STEPHENS. Two years ago. Whose place did you take?

Commissioner AYER. I do not know. I did not know any member of the board of commissioners.

Representative STEPHENS. Was Mr. Abbott then acting Indian Commissioner?

Commissioner AYER. He was Acting Indian Commissioner, to the best of my knowledge and belief. We visited him that first year.

Representative STEPHENS. After Valentine was removed?

Commissioner AYER. I do not know; I have not paid any attention to conditions at all.

Representative STEPHENS. Did Mr. Abbott request you to ask this appointment?

Commissioner AYER. No, sir.

Representative STEPHENS. No letter?

Commissioner AYER. No letter of any manner or nature. Mr. Abbott is our secretary, and he has just as much influence on me as your stenographer would have on you.

Representative STEPHENS. There was no intimation that he wanted you to make this trip?

Commissioner AYER. No, sir; and, in fact, we never request a word from him in any shape. And, gentlemen, I certainly object to that class of questioning to a gentleman who is paying his own bills, who has spent his life in philanthropy and good works, to have to come here and have such questions asked him by anybody.

Representative STEPHENS. You are before an investigating committee, you must remember.

Commissioner AYER. You have no right to investigate my moral standing.

Representative STEPHENS. I did not ask you anything about your moral character, did I?

Commissioner AYER. It is the same thing, if I would allow any man on the face of the earth to influence me in my conduct, Mr. Stephens, I am not fit to hold the position I do.

Representative STEPHENS. You seem to very sensitive about that.

Commissioner AYER. I am sensitive about that, most assuredly.

Representative STEPHENS. And you were out there for the first time three days and the last time three days?

Commissioner AYER. Yes, sir.

Representative STEPHENS. You stayed with Nicholson?

Commissioner AYER. I did.

Representative STEPHENS. Did he furnish you the books or let you examine them?

Commissioner AYER. He turned everything over to me ad liberationem. He said to his men in the office, "Give Mr. Ayer everything he wants: show him everything." In addition, he absented himself from me all the time: he never was in my presence or in my hearing during my asking a single question to any man on the reservation.

Representative STEPHENS. He has a secretary, has he not?

Commissioner AYER. I do not know that.

Representative STEPHENS. Who gave these books to you: was it his secretary, or how did you get hold of them?

Commissioner AYER. All the books I examined—I did not examine those books there at all. I got what they call "statements" after I came away.

Representative STEPHENS. Who gave you that statement?

Commissioner AYER. Mr. Sells.

Representative STEPHENS. Where did it come from?

Commissioner AYER. From the books here in Washington.

Representative STEPHENS. Who made the books here in Washington—Nicholson, did he not? Do you not know that to be a fact?

Commissioner AYER. I do not know that to be a fact.

Representative STEPHENS. How do they get the information here?

Commissioner AYER. I do not know. The reports of that mill was made in that office, but if you are assuming that the Interior Department is receiving books that are not authentic, that is up to you: I do not know anything about it.

Representative STEPHENS. Did you not state a few minutes ago that the agent had complete charge: that he was "monarch of all he surveyed"?

Commissioner AYER. He has to keep those books according to the behest and the rules of the United States Government. I do not believe, Mr. Stephens, the United States Government is letting anything of that kind go by without proper attention to know it is being properly kept.

Representative STEPHENS. Coming back to the original question, do you not know that these books were made up and reports forwarded by Nicholson?

Commissioner AYER. I do not know anything of the kind.

Representative STEPHENS. How would the Indian Commissioner know they were authentically kept?

Commissioner AYER. I do not know. I asked Mr. Sells for anything he had on this subject, and he sent me these copies from statements from the books of the United States Government in Washington.

Representative STEPHENS. That is all.

The CHAIRMAN. Nobody on this board of commissioners receives any compensation for his services?

Commissioner AYER. No, sir; never.

The CHAIRMAN. It is purely gratuitous?

Commissioner AYER. And I want to say that I am a man of liberal means, and I have always refused to accept in any case any compensation for my traveling expenses or any expense I have been to in connection with the board, and I never have been since I have been a member of it.

The CHAIRMAN. You pay your own traveling expenses out of your own funds?

Commissioner AYER. Absolutely. I took a man who is getting \$4,000 a year from down in the country and took him up there, and I took another man who is getting \$8,000 out of our office, and took him up there, and a stenographer getting \$1,200 I took him, and paid all those expenses myself, because it is my pleasure.

The CHAIRMAN. If I understand you correctly, you said that the charges that were made affecting the integrity and efficiency of the administration of this sawmill were prompted by influences which were corrupt in their purpose and design?

Commissioner AYER. The effect was corruption, most assuredly, in stirring up those Indians in the way they have been there, and, as I said before, I asked for the record on these men, and I hope that you have got my entire report, Senator, and I sincerely hope that you will read it all.

The CHAIRMAN. It did, however, result in your discovering the fact that the Government was loose in the method of handling the matter, to the Indians, \$60,000 a year?

Commissioner AYER. Absolutely, under the law of Congress—it would be about that.

The CHAIRMAN. Do you think that that much can be saved as a result of the investigation?

Commissioner AYER. I certainly do, and that law ought to be changed, and rules and regulations established that would save that money, that would get that lumber to the consumer.

The CHAIRMAN. There are a good many questions I would like to ask you about the condition of those Indians, if you are familiar with it, but I know there are a number of other gentlemen here to be

heard, and I think perhaps you would like to conclude, so I will reserve them.

Commissioner AYER. Can I be of any service to your commission between now and 3 o'clock Saturday? I leave then, and if I can be of any service in the meantime I hope you will command me.

The CHAIRMAN. I thank you very much. We are very glad to have had your statement.

Commissioner VAUX. Dr. Eliot will have something to say with regard to the extreme Southwest.

STATEMENT OF COMMISSIONER SAMUEL A. ELIOT, MEMBER BOARD OF INDIAN COMMISSIONERS, BOSTON, MASS.

The CHAIRMAN. Just give a brief statement of your residence, your connection with the board, and when you became a member of it, as that will save time.

Commissioner ELIOT. I have served on this board for four years, I think. My residence is at Boston, Mass., and I am a minister by profession.

The CHAIRMAN. Will you not have a seat, Doctor?

Commissioner ELIOT. No, sir; I am used to standing. This committee has had the opportunity, under commission of the board, to visit the reservations of the Pueblos, Navajos, and Papagos within the last month. The reports of the committee as amended and adopted by the board yesterday will be sent to all the members of the Senate and House Committees on Indian Affairs and of this commission. Therefore I can take only a brief time to tell the main points.

If I may, I will state the Pueblo situation first. The problems there, sir, are chiefly land, liquor, health, and education.

The educational situation is gradually working out; the Pueblos are becoming reconciled to the education of their children. A number of the children are in the boarding schools at Albuquerque and Santa Fe, but in the judgment of this committee the day school is the real solution of the educational problem among these people. The boarding school is well fitted for nomadic Indians, but the Pueblos have always lived, from time immemorial, in villages. Therefore this committee recommends the establishment of day schools at each of these villages. That is a process which is going forward with reasonable satisfaction, but needs to be accelerated.

The health question is at the front there, as on all reservations. Your committee recommends simple instruction in elementary sanitation. The climate of New Mexico is such that those people keep reasonably healthy, but they have no sanitation in any of these villages.

The introduction of liquor is a very serious matter in these villages, and the committee indorses the application of the superintendents of the various jurisdictions for the employment of an additional force of policemen. Unfortunately, the sentiment among the Indians is not averse to the introduction of liquor.

The land question is the most important one. The territory of the Pueblos has never been surveyed. There are no permanent bounds. The lines are absolutely indistinct. There is constant trespassing. There is constant litigation—friction. I do not regard the

trespassers as always blameworthy. They do not know where the lines are. The first and most important thing to be done for the Pueblos is the establishment of lines of surveys. When that is done there should be prompt action in the conviction of the trespassers. This committee, therefore, primarily recommends appropriations for the survey of all the Pueblo grants; and, second, an additional appropriation above that now recommended in the bill, as introduced by Judge Stephens, for the prosecution of the pending cases of trespassers. A small sum is set apart for the use of the attorney of these Pueblos, but it is inadequate to bear the expenses of the necessary trials.

That is all I wish to say, sir, about the Pueblos. Do you have any questions on that matter?

The CHAIRMAN. Is trespassing very extensive on their territory, Mr. Eliot?

Commissioner ELIOT. Presumably. One does not know, but, as the superintendent pointed out to us repeatedly, this man and that man is probably on the Indian ground.

The CHAIRMAN. What day-school facilities are now provided for the Pueblos?

Commissioner ELIOT. I think about half of the Indians have adequate day-school facilities, and those which have been built within the last year or two are capitably constructed, but at least eight Pueblo villages have no day-school facilities.

The CHAIRMAN. Are you prepared to state what progress is being made, as a rule, in relation to the efficiency of these schools?

Commissioner ELIOT. Excellent. I think the work being done is good. I am not prepared to say that the Pueblo is adjusted to the new environment entirely, because they are a stubborn proposition.

The CHAIRMAN. You have referred to the fact that the Indians are not in sympathy with the efforts of the Government to suppress the liquor traffic among them?

Commissioner ELIOT. No.

The CHAIRMAN. What percentage of them, do you think, are addicted to intoxication, if they have the opportunity of securing liquor?

Commissioner ELIOT. I do not wish to indict the whole village, but I think the proportion of sober men among them is very small.

The CHAIRMAN. Something was said by you about health conditions among the Pueblos. I am hurrying, as you did. You made a very clear and brief statement. What are the principal diseases that afflict these Indians?

Commissioner ELIOT. Tuberculosis.

The CHAIRMAN. Could you give us an estimate of what percentage of them are seriously afflicted with that?

Commissioner ELIOT. I can not; but that is contained in a certain Senate document, describing the whole situation.

The CHAIRMAN. There is some information concerning it?

Commissioner ELIOT. There is accurate information.

The CHAIRMAN. Have they trachoma?

Commissioner ELIOT. I did not perceive any, and I did not hear any accounts from the local superintendents or physicians about its prevalence.

The CHAIRMAN. Senator Lane, do you wish to ask Dr. Eliot any questions?

Senator LANE. No; his statement contained all I wanted to know.

Senator TOWNSEND. How much money is appropriated for this board of Indian commissioners?

Commissioner ELIOT. Four thousand dollars. Permit me to say the sum is inadequate.

Senator TOWNSEND. Are they all able to pay their own traveling expenses the same as Commissioner Ayer said he was?

Commissioner ELIOT. They are not. I draw my expenses from the \$4,000 appropriation.

Senator TOWNSEND. You receive no compensation for your own services?

Commissioner ELIOT. I give my time and my services and draw my traveling expenses.

Senator TOWNSEND. I myself am very much in favor of this commission, and if I could have my way there would be appropriated \$25,000 instead of \$4,000.

Commissioner ELIOT. You could not give us \$25,000.

Senator TOWNSEND. I would put it at that figure, because a lot of them could go then who can not go now.

Commissioner ELIOT. We could use \$10,000.

Senator TOWNSEND. They could use more.

Representative STEPHENS. When did you go out there, Doctor, on this last trip?

Commissioner ELIOT. This past month, in January. I left here January 4, and I returned two days ago.

Representative STEPHENS. What State did you visit?

Commissioner ELIOT. Arizona and New Mexico.

Representative STEPHENS. How many reservations were you on?

Commissioner ELIOT. Four.

Representative STEPHENS. Which ones were those?

Commissioner ELIOT. Papago, Pima, Navajo, and the Pueblo villages. There is no Pueblo reservation, but they are scattered in 19 villages.

Representative STEPHENS. Were you at the capital of New Mexico—Santa Fe?

Commissioner ELIOT. Yes, sir.

Representative STEPHENS. Were you at Sacaton?

Commissioner ELIOT. Yes, sir.

Representative STEPHENS. Were you at San Carlos—on that reservation?

Commissioner ELIOT. Yes, sir.

Representative STEPHENS. Did you observe the condition of the Indians as to their health?

Commissioner ELIOT. As far as possible.

Representative STEPHENS. What did you find the health condition among these Indians—good or bad?

Commissioner ELIOT. Bad.

Representative STEPHENS. About what percentage did you find there with tuberculosis or consumption?

Commissioner ELIOT. That must be on my part a superficial matter. I should say, generally, about 20 per cent. I believe the statistics are higher in regard to the Navajos.

Representative STEPHENS. And about trachoma?

Commissioner ELIOT. Probably about the same, but my information would not be accurate. It is all in print, however, somewhere. I should like to add a word in regard to the Navajo and the Papago propositions.

The CHAIRMAN. Very well, proceed.

Commissioner ELIOT. The Papagos live in southern Arizona in the desert. There are nearly 5,000 of them living on the public domain. They have always lived on the public domain. They, therefore, have no title whatever to their homesteads, if they may be said to have homesteads. This committee believes that the time has come to prevent friction in the future by establishing these nomadic Papagos on public domain in Executive-order reservation, probably small in territory, and grouped about the sources of water supply. If this is not done, it is altogether likely that gradually the white settlers will take up these sources of water and these Papagos will become homeless vagrants. Here is a case of prevention instead of cure.

We recommend the establishment of small Executive order reservation on lines to be drawn by the department at as early a date as possible. On the Papago Reservation proper, it appears that the trust patents under which the Indians hold their allotments run out in the course of two years. In the judgment of this committee, the time has not yet come when these Indians can be safely trusted to handle their own affairs. They, therefore, recommend the extension of the trust patents for a period of another 10 years, which I believe to be within the jurisdiction of the Commissioner of Indian Affairs.

The health and educational facilities there are very much the same as among the Pueblos. The Government has never done anything for the nomadic Papagos living without the reservation on the public domain, but provision is made in the present Indian bill for the discovery of the water resources, and also plans are formulating for the adequate establishment of day schools.

Representative STEPHENS. I desire to ask you whether you are aware of the fact that the law now permits these Indians and generally permits all Indians to settle upon the public domain, and that the last Indian appropriation bills passed the House without changing that? When it came to the Senate they put on a provision that it should not apply to Arizona and New Mexico, and we were compelled to take that in conference and it become a law. The House again left that off so as to permit those Indians of the Southwest to have the same right as citizens of the United States, and I took the same view that you do, that is absolutely necessary to provide for those Indians, whose homes have been for many years on the public domain, and I am very glad to see that you take the same view that the House sustained and is trying to sustain. We have left it out of the bill and propose to see that it stays out, if we can.

Commissioner ELIOT. Are there any questions on the Papagos?

The CHAIRMAN. There appear to be no questions.

Commissioner ELIOT. The Navajo situation is somewhat similar. There has been no Navajo problem such as you have heard for an hour in relation to the Menominee.

The first recommendation is that the Navajo Reservation is too big for adequate supervision and administration.

The CHAIRMAN. What is its area?

Commissioner ELIOT. About 12,000,000 acres. A large tract covering the northern portion of the State, which is now divided into four or five jurisdictions. This committee recommends that a new jurisdiction be established in the northern boundary of the reservation, where there are some 3,000 Indians, a hundred miles at least from any agency. That is, of course, a matter of administration detail.

The more important matters are those connected with the land questions. This committee is firmly convinced that the reservation is none too big for the Indians now upon it. The number has increased in the last 25 years, and is now doubled, or is nearly 35,000 self-supporting, industrious people, taking care of themselves. They should be sustained in that attitude of independency. There is a movement, as always, in such a community for the curtailment of the reservation. We believe that the reservation should be maintained just as far as possible, with one possible exception, in its present dimensions. When the time comes for the allotment for these Indians they will need it all.

Next, this committee is convinced that the time has not yet come for allotment. These Indians are doing well under the communal system. They have a regard for each other's rights. They seem to share fairly in the water resources and the grazing possibilities and are going well under the present conditions.

Senator TOWNSEND. What did you state was too large? Did you say the reservation was too large?

Commissioner ELIOT. Too big for efficient administration. We want another agency established.

Senator TOWNSEND. I see what you mean.

Commissioner ELIOT. Another center of administration on the northern boundary, which is about 100 miles from—

Senator LANE. They are doing well now with one agency, why should we wish to take a chance and put on more?

Commissioner ELIOT. Because I am not prepared to say that an agent is always evil; he may be a good one.

Senator LANE. These Indians, as I understand you, are self-supporting, independent, and care free?

Commissioner ELIOT. They are the most attractive and promising tribe I have ever visited.

The CHAIRMAN. Senator Lane's suggestion appeals to me, Dr. Eliot. I want to ask your opinion about that. There is danger, is there not, in too much supervision? The tendency of the Indian is to become and remain dependent; is not that the one great difficulty—arousing them to a sense of independence, so far as providing their own living is concerned?

Commissioner ELIOT. To our humiliation it must be said that many of our efforts account for their depreciation and demoralization.

The CHAIRMAN. That is what I mean; that is literally it. Of course, it was not within the intention of those who were undertaking to benefit rather than to do otherwise for them, but the general result of the policy has seemed to me to be quite open to question, and that that is one of the most serious objections to it. We have handled his funds and sometimes handled them very improvidently. So that we have not even the justification for making him dependent that we

have administered his estate with thrift and good business judgment, and he might not have fared worse, in many instances, if he had had more freedom as to his own affairs and less supervision.

Commissioner ELIOT. But, these Navajos——

The CHAIRMAN. If I may say so, and interrupt your remarks, I think that is the fundamental question and difficulty in the Indian problem, and I know no solution of it—how to make the Indian race an independent, self-supporting race, and on the part of the Government to cut loose from him.

Commissioner ELIOT. The solution is, I think, evident: These reservations contain large sources of wealth. Almost every one of them can be made self-sustaining by the proper development which they now contain. This Navajo Reservation, in particular, has large resources in mineral and timber wealth. With a proper development of the resources that reservation should pay all its expenses and return a large profit to its owners.

The CHAIRMAN. Still, you would have the Indians actually under supervision indefinitely. Do you think that the fixed policy of the Government ought to be toward the one great aim of finally bringing the Indian out from under Government control and permitting him to be absorbed by the general population?

Commissioner ELIOT. Absolutely; that is the mission with which this board is intrusted. The happiest day in the existence of this board will be the day when we can come to this commission or to the President of the United States and say that our task is finished, and that the Indian has been lost in the white civilization.

Senator LANE. He will be "lost" all right.

Representative STEPHENS. Just a question in reference to day schools on this reservation: Is it not a fact that there are several thousand Indian children belonging to those nomadic Indians that have no school facilities whatever?

Commissioner ELIOT. Yes, sir.

Representative STEPHENS. For the reason that they are here to-day and there to-morrow, following their herds over this vast domain?

Commissioner ELIOT. They are nomadic. The boarding school fits those conditions as well as the day school, or better.

Representative STEPHENS. How many of these boarding schools are there?

Commissioner ELIOT. There is a history in which we can take no pride. Thirty years ago the Navajo were promised schools for all their children. It is only within the last two years, sir, and I think under your own direction, that adequate appropriations have been made to carry out that 30-year-old promise. Last year an appropriation of \$130,000 was made. This year's bill contains another similar appropriation, and I believe that under the jurisdiction of the present Commissioner of Indian Affairs and the superintendent on the spot that will be admirably expended.

Representative STEPHENS. Is it not impossible to have day schools on these reservations, for the reason that the Indians are not located, and do you not believe it would be feasible to allot to Indian families—say, 10 to 50 families—who have from two to five children each, lands in some community where they could have water supplied to them by either wells or reservoirs, so that we could build up villages

where we could have day schools on the reservations that would practically reach all of these Indians?

Commissioner ELIOT. That is a very interesting suggestion, entirely dependent on the discovery of adequate water supplies, and the bill contains a considerable appropriation for that exploration.

Representative STEPHENS. I am sure that it can be found, because I once owned a cattle ranch in that country, and I am perfectly familiar with it all, and I am satisfied that it is the only feasible solution of bringing the schools to those Indians and not taking the Indians to the schools as we are doing now.

Senator LANE. I would like to suggest the idea, inasmuch as these Indians are nomadic and travel over the range with their sheep, why not provide them with outdoor schools, such as the whites are adopting, and letting the teachers go along with the Indians instead of putting them down in a nest and subjecting them to the danger of tuberculosis, which would be probably less if they continue to be out in the fresh air?

Commissioner ELIOT. Outdoor schools are admirably adapted to that district. I should not care to have the job of the teacher who would travel along with the nomadic Navajo.

Senator LANE. There are lots of people who would do that.

Commissioner ELIOT. Have you any further questions?

The CHAIRMAN. There appears to be nothing further, Doctor, thank you.

Commissioner VAUX, jr. Mr. Ketcham has some further report on the investigation of the same committee, of which he and Dr. Eliot were members, and following that Mr. Doeckweiler will have a few words, and then we are through with what we want to present.

STATEMENT OF WILLIAM H. KETCHAM, MEMBER BOARD OF INDIAN COMMISSIONERS, WASHINGTON, D. C.

The CHAIRMAN. Very well, Dr. Ketcham, we will hear from you now.

Commissioner KETCHAM. Dr. Eliot has given you the report, Mr. Chairman, of our observations among the tribes of New Mexico and Arizona, with the exception of the Mescalero Apaches, of New Mexico, and the Fort Sill Apaches, two tribes that I visited alone, and he could not join me in time to make that visit. There are only a couple things that I wish to call attention to in regard to these two bands of Indians.

At Fort Sill the work of locating the 88 Indians who chose to remain there is a matter purely of administration here in the department, and is progressing as favorably as possible under the circumstances. However, the friends of these Fort Sill Apaches contend that each one should receive 160 acres of land in allotment, and the money appropriated for that purpose is not sufficient to buy these allotments. It will be sufficient to purchase the homesteads for the families to live on, but the residue will not purchase 160 acres for each of the minor allottees, so that if this acreage is to be obtained further appropriation will have to be made. I am only stating the facts and not making any suggestions.

Senator TOWNSEND. What are the merits of the case—what do you think about it?

Commissioner KETCHAM. That would be my personal opinion. I think the Board of Indian Commissioners has contended for 160 acres of land for these Indians as a just proposition. They thought each one should have as much as the ordinary settlement in Oklahoma.

The CHAIRMAN. The Mescalero Indians resent the coming of the Fort Sill Apaches, do they not?

Commissioner KETCHAM. I was just at this point going to speak of the Fort Sill Indians—those that remained in Oklahoma. Personally I must admit that if the Indian would work 160 acres of land I should think it would be a real need for him to have it, but as a rule the Indians rent a good portion of the lands, and I am not sure that it is absolutely necessary for each child to have 160 acres; but I would not like to make a recommendation in that matter, since others contend, as a matter of justice, these Indians should have the same amount as other Indians have to-day. I think that is the contention.

That is all I have to say regarding the Fort Sills, unless there are some questions to be asked.

I then went to the Mescalero, and I believe this commission was at Mescalero before me. In fact, the agent seemed somewhat disturbed to see so many people coming to look over the country; I found this condition, that there is beginning to be some friction between the Mescaleros and the Fort Sill Indians. My observation—borne out by the testimony of all with whom I spoke, and I spoke with every person that I could find familiar with affairs there—that the reservation will not support the people by agriculture. There is not enough agricultural land. It will, however, give them homes and give them a certain amount of employment and sustenance. The game will not be sufficient to piece out this existence, and the common consensus of opinion seems to be that stock raising should be tried on that reservation, and in a report made out—and which will be submitted—you will see that I recommend simply an appropriation be made to enable the Mescaleros to have a herd, and that the money already belonging to the Fort Sill contingent on this reservation be used for that purpose for them, and that the reservation thus stocked with cattle, and the cattle business carried on in a businesslike manner; if it is not there is no use to undertake it at all.

Those are the observations we have made on that reservation. In the Indian bill, I am not sure, but I do not think provision has been made for this. Mr. Chairman, can you answer that?

Representative STEPHENS. No; it has not.

Commissioner KETCHAM. We requested \$200,000 or \$250,000 be appropriated for that purpose and if it has been left off the bill we would certainly recommend that the Senate put that amount in.

The CHAIRMAN. An appropriation of \$200,000 or \$250,000 for helping stock the reservation. Have you worked out a plan under which this plan could be inaugurated—I mean the practical details of that; has that had your consideration?

Commissioner KETCHAM. We have given that consideration.

The CHAIRMAN. The great difficulty about spending an enormous sum of money that way is the danger that it will not be prudently

expended. It is frequently true that persons who are thoroughly competent to discharge the ordinary functions relating to an agency would not have the experience and training necessary to conduct a new enterprise of that sort, and, of course, it is desirable—it is the very essence of the matter—that it should be handled with the very best business judgment possible, as you yourself have suggested, and I think the details in a case of that sort are quite as important as the general proposition. It appears that at a great many agencies experimental farms are being conducted and demonstration work is being done, and that the agents themselves pay no attention to it whatever. They do not even know, in some instances, what crops are grown, and instead of it being a successful and profitable enterprise, it is rather, in some instances, possibly doing harm and doing damage, because it is encouraging lack of thrift rather than stimulating thrift.

Commissioner KETCHAM. I agree with what you said, except that the agent can not be charged with the details of this, excepting as a matter of supervision. The practical stock men must be employed and given full control of the management of this herd, using the Indians as far as he can in the work. Of course, the reservation will have to be fenced—the question of line riders and brands and the removal of cattle from one altitude to another, according to different seasons, and the sale of cattle at certain times. Senator Fall has written me a letter on that subject. We had a conference the other day. He raised the question as to whether it would be more profitable to have a herd on there or to continue leasing to outside men. However, he admits that a certain number of cattle can be successfully cared for on the reservation, and we are of the opinion that a trial ought to be given to it, because it seems to be about the best opportunity for experimenting in cattle raising among Indians that we have before us.

The CHAIRMAN. What sized herd do you think the reservation would sustain?

Commissioner KETCHAM. Well, at that time I was told by various parties, who have known the reservation—while I have gone over it, yet I am not enough of a stockman to judge in these matters, although I am a Texan—who said 10,000 head, but I scarcely think that it would support so many, and Senator Fall agrees that 10,000 head may be kept on there, provided they were sold off at the proper seasons and the matter conducted in a business way. Very probably the number would be something less than that.

Representative STEPHENS. Would it not all depend on the rainfall and snowfall?

Commissioner KETCHAM. I think the seasons are not very variable there. There is a good deal of snow in the mountains in the winter-time, and they have rainfall, which is about the same.

Senator TOWNSEND. They have pretty good rainfall.

Commissioner KETCHAM. A good deal depends on the management of the cattle. The high altitude is better for the summer range and the lower altitude for the winter range, and they should be protected in this way. It is a question of business method, and a good, practical stockman might make a success of this proposition.

This is all the recommendation we have to make, except we wish and to urge that this experiment be tried, because I was speaking with

Gen. Scott, at Fort Bliss, and he said that he thought Mr. Sells, in his advocacy of stock raising among the Indians, was starting something worth while, and he suggested at Fort Apache those Indians will need something to support themselves with, and that stock raising is the only thing that they can have recourse to there, after the soldiers are finally moved away. They live to-day from the fort.

Senator TOWNSEND. These are in New Mexico?

Commissioner KETCHAM. Those are Apaches who are dependent on Fort Apache. I do not know what band of Apaches they are over there in Arizona, but he asked me to call attention to them here.

Representative STEPHENS. They are San Carlos Apaches.

Commissioner KETCHAM. They are San Carlos Apaches. I think.

Commissioner VAUX. We want the commission to understand that the detail reports in writing will all be submitted that come to our board from these several committees. They were presented to us yesterday in our first session and adopted, and it is simply a matter of the necessary labor of having them transcribed for submission in the concrete form. We have asked Commissioner Dockweiler to say a word to you, and the hour is getting pretty near to that when you wished to adjourn, and so that will conclude what we wish to say.

STATEMENT OF ISADOR B. DOCKWEILER, MEMBER BOARD OF INDIAN COMMISSIONERS, LOS ANGELES, CAL.

Commissioner DOCKWEILER. Mr. Chairman and gentlemen, I will not detain you any length of time. I desire to say that I reside at Los Angeles, Cal., where I was born, and that on December 20, 1913, I received a telegram from Secretary Lane, asking me to go on this board. Prior to the receipt of that telegram I had absolutely no knowledge of the existence of this board, except in a very general way, and I was not a candidate either for this position or any position in the Government service. I have a little reservation of my own at Los Angeles, and a family of 11 children, and I thought, up to December 20, that that ought to be sufficient to engage my attention.

The CHAIRMAN. Are they all good "Indians," Mr. Dockweiler?

Commissioner DOCKWEILER. Senator, I am delighted to report that, so far, they are very good "Indians."

Representative STEPHENS. Are they still on the "reservation"?

Commissioner DOCKWEILER. They are still on the "reservation," which fact might probably make a difference; I hope not. Since coming to Washington, in connection with some little business matters that had to be attended to prior to the meeting of the board, I have had occasion to consult with Secretary Lane and Mr. Sells, Commissioner of Indian Affairs; the secretary of our board, and various Congressmen and some Senators, and other people generally, and I find, gentlemen, that there is a disposition to do away with the board. Now, I want to say, gentlemen, that although unacquainted with the members of the board prior to coming here, I have made it an object of this visit to get acquainted with each and every member of the commission who has appeared. There are nine of them present in the city at the present time; and I want to say that as the result of the information that I have secured, not only from the

gentlemen themselves but from outsiders, that it would be a very distinct loss to the Government to separate itself from a commission composed of other than myself—men of such distinguished character and experience in life; every man I am not speaking for myself—has been a success, and I do not believe that this Government can secure the service that these gentlemen have been and are rendering and are willing to accord to the Government for the salary that the Government could pay any number of men who would be as efficient.

I am going to speak rather plainly. It is possible that in times past there may have been friction between this board and the Interior Department and the Bureau of Indian Affairs. After consultation with my associates, I want to say that I believe, sincerely and honestly, that each and every member of this board is actuated by the same sentiment of loyalty to our Government as inspires me—willingness and desire, pronounced and quite distinct, to serve the Government—and I am sure that if there has been any difference in the past, that from now on there will be none. I conceive it to be the duty of this board to advise from time to time the Bureau of Indian Affairs and the Interior Department; and I want to say that there will be absolute cooperation between this board and the Secretary of the Interior and the Commissioner of Indian Affairs and the Bureau of Indian Affairs.

SENATOR TOWNSEND. Mr. Dockweiler, you do not mean by that this board is going to advise the Secretary of the Interior as he wants to be advised?

COMMISSIONER DOCKWEILER. No, Senator. Of course, we will not suppress our individuality by any means. I certainly would not myself. I would not surrender my independence for any man and I am sure the same could be said of the balance of the commission; but there are methods of doing business. For instance, if we have a report to make, I think we should comply with the law, and I think the report should be then submitted to the proper authorities in the proper way. I do not think that there is a disposition on the part of any commissioner to be antagonistic to the department in the sense that there will be a desire to do "politics." Mistakes may have been made in the past, and I want to say that from now on there will not be any difficulties in that direction—at least, I hope not—and therefore, with that situation as it is, I believe that this, as in the past, will be a most efficient arm of the Government. It has been urged that this board is something like a fifth wheel to a wagon. Comparatively that might appear to be true, but it is not so in fact. The Indian Bureau is somewhat different from every department of the Government. It is not like the Navy Department or the Army or any other department of the Government. We all know that the matter of dealing with the Indian affairs involves most delicate problems, problems of race and of a great many other things, and it would seem to me that the advice and the counsel of this board will be—composed, as it will be, other than myself, of men of such distinguished character and proven success in their chosen fields in the past—would be of great service to the Government. I might elaborate and go into details, but the time forbids, and I do not think it is necessary. I will be glad to answer any questions.

The CHAIRMAN. Have you done any active work since you became a member of the Board of Indian Commissioners?

Commissioner DOCKWEILER. No; not yet.

The CHAIRMAN. You are a lawyer, I take it?

Commissioner DOCKWEILER. Well, I am practicing in the profession. We sometimes make a distinction. I am doing the best I can. Senator.

Representative STEPHENS. You are threatening to practice, I believe.

The CHAIRMAN. I wish to assure you that I was not trying to make the distinction you made.

Commissioner DOCKWEILER. I am afraid I personally am not old enough to say that I am a lawyer, in the old sense. I am still a beginner, in a way.

The CHAIRMAN. Gentlemen of the Board of Indian Commissioners, we are very glad to have heard you this morning and to have met in person, and we shall take the liberty of communicating with you or such members of the board as we think may have further information of advantage to the commission in the discharge of its duties. Is there anything further, gentlemen?

Commissioner VAUX. Only to assure you, Mr. Chairman and gentlemen, that this board will be only too delighted to be called upon for anything whatever that may be in its possession, either jointly as a board or individually as members, that you may wish to have, that may be of assistance to you in connection with the administration of Indian affairs. We want to be considered in the position of servants in this great cause.

The CHAIRMAN. The commission will now stand adjourned.

(Whereupon, at 12 o'clock noon, the commission stood adjourned, to meet at the call of the chairman.)

FORTY-FOURTH ANNUAL REPORT OF THE BOARD OF INDIAN COMMISSIONERS.

OFFICE OF BOARD OF INDIAN COMMISSIONERS,

Washington, D. C., September 1, 1913.

SIR: We have the honor to submit the Forty-fourth Annual Report of the Board of Indian Commissioners for the fiscal year ended June 30, 1913.

REVIEW OF YEAR'S WORK.

In reviewing the year's work the most important points which claim attention under this heading are the following:

I. The recognition by the Secretary of the Interior of the increasing necessity for the cooperation of this board in the administration of Indian affairs as indicated in his recommendation to Congress.

II. The attention given by members of the board to the purchase of supplies for the Indian Bureau.

III. The cooperation with the War Department and the Department of the Interior in arriving at an equitable method of settling questions involved in the setting at liberty of the Fort Sill Apache prisoners of war.

IV. The extended trip of Commissioner Moorehead in Oklahoma in continuing investigations respecting the conditions among the Five Civilized Tribes.

V. Several stated meetings of the board.

VI. The change in the secretaryship and in the location of the offices of the board.

VII. The appearance of members of the board before the Senate Committee on Indian Affairs.

The most important fact in connection with the work of this board during the past year was the recognition by the Secretary of the Interior of the growing importance of the board's cooperation in the administration of Indian affairs as indicated in his recommendation to Congress of an increase from \$4,000 to \$10,000 in the appropriation for the expenses of the board for the fiscal year 1914.

The steadily increasing number of allotments of land made to individual Indians, the increase in the density of white population on Indian reservations, the extension of railroads, telegraph lines, and other agencies of civilization to the borders of large reservations formerly closed to a large extent from the competitive commercial conditions of modern civilization, and the constant growth in the business of the Indian Bureau in meeting and handling the additional difficult and complex problems imposed upon it by these rapidly changing conditions in the Indian country, together with many other additional burdens, such as the determining of heirs of deceased Indian allottees imposed upon it from time to time by acts of Congress, have for some time impressed this board with the need of very greatly increased activity on its part in order properly to perform the functions imposed upon it by Congress. The volume, as well as the complexity of the work, is increasing. As a consequence, there are more problems to-day vitally affecting the property rights and the future physical, social, and moral welfare of the Indians which require the earnest, careful exercise of this board's legal functions than at any time since its organization by President Grant in 1869. At its last annual meeting the board very fully discussed ways and means to meet its increased responsibilities, and decided definitely to enter with renewed activity into the field of legislation and investigation in connection with Indian administration.

That the Secretary of the Interior has officially recognized the possibility of helpful cooperation and service on the part of this board by recommending to Congress an increased appropriation to bear its expenses is most encouraging. It is significant also to note that Congress, by appropriating \$25,000 to bear the

expenses of a committee of Congress to investigate Indian affairs, has recognized the need of men independent of the Interior Department to look into the most difficult and complex problems connected with the property interests and social welfare of the Government's Indian wards. While there is no doubt that a committee of Congress will gain very valuable information bearing on Indian legislation, this board, independent as it is from political parties or from bureaus or divisions of any department of the Government, is undoubtedly in position to render service of peculiar value through wholly independent investigations and by giving to Congress, as well as to the President and the Interior Department, the results thereof.

While the board has been hampered as in previous years by the lack of a sufficient appropriation to perform the numerous and important functions imposed upon it by Congress, the work performed by it during the past fiscal year has been of rather more than usual interest and importance in connection with the administration of Indian affairs.

Commissioner Vaux participated in the selection of samples and the purchase of supplies for the Indian service at Chicago on April 17, 18, 19, and 20, 1913, and by correspondence and direct communication with the Indian Office, kept in close touch with purchases made at St. Louis on May 13, 14, 15, 16, and 17. He personally advised with the Acting Commissioner of Indian Affairs with respect to all close and disputed questions relating to the making of awards. (See report of Commissioner Vaux, Appendix A.)

The most important part of the board's work for the year was in cooperation with the Indian Office and the Department of the Interior in working out a fair, just, and equitable plan for the removal of the Fort Sill Apache prisoners of war from their lands on the Military reserve in Oklahoma to their homes on the Mescalero Reservation in New Mexico, and the continuation by Commissioner Moorehead of the investigation of the affairs of the Five Civilized Tribes in Oklahoma, begun last year by Commissioner Vaux.

The removal of the Fort Sill Apache Indians and their transfer from the jurisdiction of the War Department to that of the Interior Department has been accomplished in a manner highly creditable to the Government, and in a way that not only fully provides for the physical needs of the Indians in their new homes, but offers in the future a means of proper civilization and development.

The progress made in connection with the affairs of the Five Civilized Tribes is also gratifying, considering the difficulties to be overcome. The appropriation of \$250,000 carried in the Indian appropriation act for the fiscal year ending June 30, 1914, provides for practically the same forces of employees as was provided last year for taking care of the affairs of the individual members of these tribes, and apparently has permanently checked the movement in favor of eliminating from the field the Federal employees engaged in protecting the individual property interests of these Indians.

During the year the board held a meeting at Mohonk Lake, N. Y., October 23-25, 1912, and the annual meeting at Washington, D. C., January 15-17, 1913.

Mr. H. C. Phillips resigned as secretary of the board in December, 1912, and his resignation was accepted to take effect in April, 1913. Mr. F. H. Abbott was elected secretary of the board in January, 1913, with the understanding that he should remain in the position of Acting Commissioner of Indian Affairs until a new Commissioner of Indian Affairs should be appointed and arrangements made to dispense with his services in the Indian Bureau.

The saving made to the board in secretary's salary during the last few months of the fiscal year 1913 enabled the board to purchase greatly needed office equipment for its new office rooms provided in the building on Eighth and E Streets NW., occupied by the Bureau of Mines. These new rooms are well adapted for the purposes of the board and are now provided with up-to-date filing cabinets and office fixtures necessary to meet the demands of increased activity, which it is the purpose of the board to exercise in the future in connection with Indian affairs.

On January 17, 1913, Commissioners Vaux, Walker, Moorehead, Knox, Ayer, and Ketchum appeared before the Senate Committee on Indian Affairs (see printed hearings before Senate committee, pp. 3-20, inclusive) and expressed their views at length on some of the more important items contained in the pending Indian bill and also presented arguments for a larger appropriation, in order to enable the board properly to perform the functions imposed upon it by Congress. They received a most attentive hearing on the part of the Senate committee. While the appropriation for the board's expenses was not increased,

it is to be hoped that a larger appropriation will be made for the next fiscal year.

THE INDIAN BILL FOR 1914.

The Indian appropriation act for the fiscal year 1914 contains many excellent provisions. A few of the more important items are discussed briefly in the following paragraphs:

To relieve distress and prevent disease. The evidence of the awakening of Congress to the imperative need of action to protect the health of Indians and prevent the spread of tuberculosis and trachoma among them is most gratifying. While the appropriation for 1913 for this purpose was only \$90,000, the Indian Bureau will have for 1914 \$200,000, an increase of about 250 per cent over its former appropriation.

Suppression of liquor traffic.—A high-water mark was also established in the appropriation of \$100,000 for the suppression of the liquor traffic among Indians, as compared with \$75,000 the highest previous appropriation, which was made for the fiscal year 1913. The decision of the courts in the cases of *U. S. Express Co. v. Friedman*, *Ex parte Charlie Webb*, and *Mosier v. U. S.* in eastern Oklahoma, have extended the jurisdiction of the officers of the Indian liquor service to this territory. This has very greatly increased the burden of responsibility of the Indian Bureau in this branch of its work, so that the increase of \$25,000 will be largely consumed in the prosecution of liquor-suppression work in Oklahoma.

Purchase of goods and supplies for the Indian Service.—Another important increase in appropriation granted by Congress was made to pay the cost of purchasing and transporting goods and supplies for the Indian Service. This appropriation was increased from \$285,000 to \$300,000, and it was provided also that all wagon transportation from the point where delivery is made by the last common carrier to the agency, school, or elsewhere, should hereafter be paid from funds appropriated or otherwise available for the purpose of the schools or agencies for which the supplies to be transferred are purchased. Last year, with an appropriation of \$285,000, there was a deficit of about \$50,000 in this item. While this deficit, in fact, represents a net saving to the Government as a result of the policy of the Indian Bureau to take into consideration lowest land-grant freight rates in making purchases for the Indian Service it is not a wise business policy to work on deficits. The action of Congress, therefore, in making provision that will enable the Indian Bureau to meet its obligations in connection with the purchase and transportation of supplies for the Indian Service without reporting deficits is a step in the right direction.

For determining heirs of deceased allottees.—Another item in this bill which meets with the hearty indorsement of this board is the appropriation of \$50,000 to determine the heirs of deceased Indian allottees. It is hoped that the Indian Bureau will not overlook its duty under this provision to give special attention first to those reservations where the industrial needs of the Indians are the greatest and where the individual Indians lack resources with which to improve and equip their individual allotments, except as they are able to obtain such resources from the sale of their interests in inherited lands.

For encouraging industry among Indians.—We strongly commend the policy established in the appropriation of \$100,000, reimbursable, to be loaned to worthy and deserving Indians to enable them to stock and equip their allotments with a view to becoming self-supporting. This sort of help is needed by Indians who have ample resources in the way of land fully to secure the amount advanced by the Government, but who lack the credit ordinarily extended by commercial banks to white men in similar circumstances with which to make that land productive. This appropriation is in the nature of a "revolving fund," which may be used over and over again by Indians for the purchase of live stock and farm equipment and repaid by them out of money earned through their own efforts, supplying the place of the commercial bank, while at the same time avoiding the pauperizing result that follows the gratuitous purchase of such equipment or live stock for them, or the bestowal of other gratuities upon them without at the same time requiring them to shoulder responsibilities, and giving them opportunity to learn the value of money and gain business experience necessary to make them self-supporting. The board expresses the hope that this policy of establishing "revolving funds" for Indians, either by direct appropriation of Congress, or, where possible, by the use of tribal funds, will be continued and emphasized in the future administration of the Indian Bureau.

Other important items in the Indian bill.—Other items of more than ordinary importance carried in the Indian bill, which have this board's approval, are items limiting attorneys' contracts with restricted Indians; the withholding of annuity payments of the Osage Indians to induce them to place their children in school; provisions for schools and other expenses of administration of the Five Civilized Tribes in Oklahoma.

AGRICULTURE.

For several years this board has emphasized the necessity of practical training in agriculture as fundamental in the process of the civilization of a large majority of Indians. The reports of the Indian Bureau—and these reports are borne out by the observation of those who have had opportunity recently to inspect Indian reservations at first hand—indicate a gratifying increase in agricultural industry among Indians in all parts of the country during the past few years. We wish to commend the emphasis placed on this branch of its work by the Indian Bureau during the past year, and especially the steps taken to improve the quality of its farmers. The recent division of the country into four civil-service districts and of holding farmers' examinations quarterly, the importance given to practical experience in the examination questions, and the strict instructions to inspecting officers to pass most critically upon the work of farmers and to rate their efficiency solely on their success in inducing and assisting Indians to cultivate their own lands in a profitable and proper manner, if followed up by future administrations, will undoubtedly work gratifying results in the industrial evolution of the Government's Indian wards. The increased agricultural activity among the Indians on numerous reservations through the intelligent and practical work of trained farmers justifies the emphasis which has been placed on this subject.

IRRIGATION.

The duty and responsibility of developing irrigation projects in order to supply water to make possible the agricultural development of hundreds of thousands of acres of arid and semiarid land on the large Indian reservations in the West have brought the Government face to face with new and difficult problems. On the Yakima Reservation water rights running into the millions of dollars are at stake in the determination of the issue as between Indians and white settlers. The investigation of this question by a committee composed of Members of the Senate and of the House, provided for in the last Indian bill, should have most careful attention and consideration of officials of the Indian Bureau. Water rights of almost equal value to the Indians are involved on the Uintah and Ouray Reservation in Utah, on the Wind River Reservation in Wyoming, and on the Fort Hall Reservation in Nevada, where there is danger of loss to the Indians, through the application of State law, of valuable water rights under projects constructed at great expense out of Indian funds. There is great variance in the laws making appropriations for the construction and maintenance of irrigation projects on various Indian reservations, as well as a difference in financial conditions of the Indians on the various reservations, and a difference in methods of operating and maintaining irrigation projects which call for most careful consideration. During the past fiscal year steps have been taken by the Indian Bureau to work out a plan whereby the cost of maintenance and operation may be charged against the land benefited and a uniform system of cost accounting established on the various projects. We recommend that this work be diligently pursued with the view of making Indian irrigation projects self-supporting and chargeable against the lands benefited, so as to induce Indians benefited thereby to realize the value of these projects to them, and gradually to assume in an intelligent manner the full responsibility for the upkeep of the same. We recommend in this connection that steps be taken either through the Department of Justice or through competent employees of the Interior Department to collect evidence where the same is necessary to a successful prosecution of suits for the determination of water rights where there is an issue between Indians whose rights are believed to have been established by treaty or statute and white settlers claiming rights under State laws or otherwise. We also urgently recommend immediate action looking toward the harmonizing by Congress of various statutes affecting Indian water rights in different parts of the country.

HEALTH.

We have already expressed briefly our approval of the increased appropriation for 1914 for the protection of the health of Indians. In view of the abnormal death rate among Indians from tuberculosis and the spread of that disease and of trachoma among them, we recommend that Congress be asked to increase this fund still more in the next Indian bill in order not only that physicians and trained nurses may be employed to cover the whole ground, but that the salaries of those employees may be increased so as to secure and retain the services of those thoroughly competent. It is to be regretted that Congress did not see fit to appropriate at least a small amount for hospitals for the treatment of cases among adult Indians in order to supplement the hospitals already established in connection with many of the best Indian schools. The hearings before the Senate Committee on Indian Affairs during the Sixty-third Congress indicate that the question of the future cost of maintaining such hospitals, if established, was the chief stumbling block. In order that this obstacle may be removed in the future it appears to us that it may be feasible for the Indian Bureau to work out a system of fees in connection with service in one of its present hospitals, where Indians outside of schools are admitted, so as to make such hospitals to as large degree as possible self-supporting. Such data would be of great value in presenting estimates hereafter. If a system could be worked out whereby the Government would have to make investment only in the hospital plant and upkeep, having the cost of maintenance met largely from an income from fees charged the patients, it appears that it would be very much easier and more practicable to secure appropriations from Congress necessary to develop this very important auxiliary to its health work among Indians.

SUPPRESSION OF INTOXICANTS AMONG INDIANS.

We most heartily commend the aggressive work of the Indian Bureau in its efforts to suppress the liquor traffic among Indians. It is recognized that abstinence from the use of intoxicants on the part of Indians is essential to their industrial as well as social improvement, and as a means also to the prevention of disease among them; and we especially approve the action of the bureau during the past year in including people among the intoxicants which its officers are instructed to suppress.

PIMA.

For many years this board has been urging relief for the Pimas. In our report last year we stated, "It is unspeakably unfortunate to have deprived Indians like the Pimas, who for generations have had the habit of work, and who can and would support themselves, of the means of self-support," and we express the hope that a means will be found for the development of ample "water for the irrigation of not less than 10 acres for each member of the tribe." It appears that there is no difference of opinion among those acquainted with the conditions of the Pima Indians on the question of what is needed. All agree that the Government should restore to these Indians water rights which they have lost. But this restoration will not come through merely agreeing upon the fact of the need. Steps must be taken directly and vigorously to restore these water rights. The important question is, How can this be done successfully? Congress has shown its willingness to get at the root of the situation by appropriating \$15,000 for the use of a board of Army Engineers to pass upon the question of the feasibility of the San Carlos Dam and Reservoir. The findings of that board are not yet available; regardless of those findings, however, the Indian Bureau has recognized the importance of getting at the exact value of the Indian's water rights. A preliminary investigation by Indian Service engineers and a specially trained representative of the Department of Justice during the spring of 1913 indicates that it will cost at least \$15,000 for a field examination to thrash out the facts to arm the Department of Justice with the necessary evidence with which to go to court. We recommend that this investigation be begun at the earliest possible date, if funds are available from any existing appropriation, and, if not, that Congress be called upon for the special appropriation necessary with which to push this work to completion. Anything short of a complete and finished job on the part of the Government in behalf of these Indians will not be sufficient.

WHITE EARTH.

Conditions at White Earth are still far from satisfactory. The present status of the cases brought by the Department of Justice to recover title of lands of minors and full-blood Indians alleged to have been illegally sold is as follows:

The district court has decided that in order to come within the provisions of the act permitting the sale without restrictions of allotted lands by mixed bloods, an Indian must have a quantum of at least one-eighth white blood. An appeal has been taken to the circuit court of appeals, where the cases are now pending, and until a decision is rendered by the circuit court of appeals as to the quantum of white blood necessary to constitute a mixed blood, no further action can be had in these suits.

Congress, the last session, provided for a commission to make a roll of the White Earth Indians, showing the degree of blood of each allottee, but this commission is not permitted to fix the quantum of blood of any Indian the title of whose land is now in question in the proceedings initiated by the Department of Justice.

While the solution of the difficult legal questions are dragging out through the courts, the lands of incompetent adult mixed bloods are still in jeopardy, and the lands of incompetent mixed-blood minors, as fast as they reach their majority, are subject to the same danger. Pending the result of the litigation in connection with this reservation, it appears to be of the first importance that legislation should be enacted amending the so-called mixed-blood act in order to protect the lands of all incompetent mixed bloods, minor and adult, still remaining unsold. We therefore recommend that such legislation be pressed vigorously before the next Congress. At the same time, in view of the demoralized industrial condition among the full bloods and incompetent mixed bloods on this reservation, we recommend that every possible step be taken administratively to protect their property rights and improve their social, moral, and industrial conditions.

APACHE PRISONERS OF WAR.

The inclusion in the last Indian bill of an item of \$100,000 for completing the relief and settlement of the Apache Indians formerly confined as prisoners of war at Fort Sill Military Reservation, Okla., marks the consummation of the efforts of this board and many others, continued for many years, to remove the stigma of the title "prisoners of war" from these people. The responsibility of seeing that these people in their new environment, whether at Mescalero or on land purchased for them among the Kiowa and Comanche in Oklahoma, should have every opportunity for improvement and advancement now rests solely upon the shoulders of the officials of the Indian Bureau. It is to be hoped that that responsibility will be met in a manner that will fully justify those who have been insisting upon shifting the jurisdiction over these people from the military to the civil branch of the Government. While lands have been selected for them and steps taken to give them control of their individual property which they possessed while at Fort Sill, every possible effort should be made in the handing of their individual property so as to develop their sense of independence and responsibility and prevent anything like a backward industrial tendency or a going back from individualistic to tribal customs.

The board has endeavored to assist in the settlement of all the questions involved in this move of such vital importance. Its secretary, Mr. H. C. Phillips, was a member of the commission of three, one of the other members having been appointed by the War Department and the other by the Department of the Interior, which went to Fort Sill in December last and personally interviewed every member of the band in order to find out his or her individual preference. As the result of the report submitted by this commission the decision was made as to who were to be removed to Mescalero and who were to remain in Oklahoma.

THE NAVAJO.

Last year we recommended strongly an appropriation to carry out the treaty obligations of the Government to provide educational facilities for the Navajo Indians. We are gratified to note that Congress has appropriated \$100,000 for this purpose, as well as \$15,000 for the development of water for domestic purposes. Owing to the nomadic habits of these people and to the fact that they

have become self-supporting and some of them wealthy. We recommend that the utmost care be exercised in the establishment of the proposed schools and the proposed development of water that nothing shall be done to interfere with the fixed habits of industry which have made these people self-supporting.

FIVE CIVILIZED TRIBES

The Indians of the Five Civilized Tribes, as to restrictions, are divided into the restricted and nonrestricted classes largely on the basis of the quantum of Indian blood which they have. All Indians of more than three-fourths Indian blood are wholly restricted. Persons with less than one-half Indian blood are wholly nonrestricted, and those who have Indian blood of more than one-half and less than three-fourths are restricted as to their surplus allotments. While the restricted Indians are considered as a class incompetent, these classifications on the basis of blood are not always accurate, as some full-blood Indians are well educated and thoroughly competent to handle their own affairs. On the other hand, there are Indians whose restrictions have been removed by law on account of their small degree of Indian blood who are thoroughly incompetent, and a great many of the frauds which have come to our attention have been perpetrated on this class of Indians.

An investigation of probate matters in those counties of Oklahoma which comprise the territory occupied by the Five Civilized Tribes shows that the estates of minor Indian children have been the prey of grafters. Nevertheless, there is opposition among many of the Indians who are competent to the use of tribal funds for the protection of the incompetent Indians. They contend that this is a use of the funds of competent persons for the protection of incompetent members of their tribe; in other words, one citizen is made to pay for the protection of another. They contend that under the treaty stipulations between the different tribes and the United States the United States is obligated to furnish what protection it deems necessary to the individual Indian at its own expense. This dissatisfaction on account of what some deem to be an improper use of tribal funds has been one obstacle confronted by the Government, as well as by the tribal attorneys who are engaged in this work. The last Indian appropriation bill provided for the employment of probate attorneys with Federal funds. These attorneys should be carefully selected with the view of securing the services of men of ability and of undoubted integrity.

Matters pertaining to the tribal estates of the Cherokee, Creek, and Seminole Nations have almost been completed. The tribal estates of these nations have been disposed of, so that there are very few tribal matters in those nations which deserve serious consideration. It will only be a matter of time until they have been entirely disposed of. In the Choctaw and Chickasaw Nations, however, it is entirely different. After each member of these two tribes had received land equal to 320 acres of the average land there was left a residue. This residue of the tribal estate consists of the so-called timber reserve, the segregated coal and asphalt lands, and the money reserved from the sale of unallotted land. The lowest estimate that has been placed on this tribal property of the Choctaws and Chickasaws is \$35,000,000.

In what is known as the supplemental agreement between the Choctaws and Chickasaws and the United States, which was authorized by act of Congress July 1, 1902, and ratified by the Indians September 25, 1902, it is provided that if each Indian has been enrolled and has received his allotment the residue of the estate shall be sold and the proceeds distributed per capita among the Indians. This action was not taken by the United States Government within the time specified in the treaty. After waiting a number of years the Indians became dissatisfied with the dilatory manner with which the Government had handled this matter. It was this dissatisfaction that caused the Indians to take kindly to what is known as the McMurray contracts. These contracts were executed by, it is claimed, more than 80 per cent of the individual Indians to Mr. J. E. McMurray, an attorney of McAlester, Okla. Among other things the contracts provided that Mr. McMurray was to expedite the sale of this tribal property and distribute the funds per capita among the Indians, and for his services Mr. McMurray was to receive 10 per cent of all the money derived from the sale of the residue of the tribal estate. As stated before, the residue of this estate is, at the lowest estimate, worth \$35,000,000. The representatives of the Choctaw Nation took the McMurray contracts before the Committee on Indian Affairs of the United States Senate during the present session of Congress, urging that the contracts were in violation of public policy and that Mr.

McMurray would, under the contract, receive a large fee without being able to render services under the contract, and that the contracts bind Mr. McMurray to do that which the United States is bound by treaty obligation to do for the Indians. This action resulted in a provision in the Indian appropriation bill for 1914 that contracts with individual Indians affecting their tribal estate are invalid unless consented to by the United States. Before the incorporation of this provision in the Indian bill, Mr. McMurray addressed a letter to the committee surrendering all claim under his contracts to any portion of the tribal estate. This action has relieved the tribal estate of the Choctaw and Chickasaw Nations of any lien that may have existed by reason of the McMurray contracts.

We are convinced that the Government should provide for the proper protection of all restricted Indians and the proper supervision of probate matters affecting the estates of minor Indians, whether the minor happens to belong to the restricted or the nonrestricted class.

We do not wish to be understood as criticizing the Government for its procedure in handling the tribal estates of these Indians, but we call attention to the fact that the delay of the Government in disposing of the estate of the Choctaw and Chickasaw Nations in accordance with the terms of their agreement is the cause of the great dissatisfaction among the Indians of those tribes. The Indians were distrustful of the promises made by the United States, and this dissatisfaction is an obstacle in the way of the proper protection of the incompetent Indians and makes popular the operations of persons who oppose the Government in its efforts to protect the Indians. The efforts of the Indian Bureau should be redoubled to take care of the interests of these Indians.

Our attention has been called to the school situation among the Five Civilized Tribes. The tribal schools should be continued and should be supported from funds of the tribe until it can be shown that proper school facilities have been provided for all the Indian children by the State of Oklahoma and as long thereafter as the Indian children need special attention and training. In many settlements the Indian children have an opportunity to attend the public schools. In the districts where the greatest number of full-blood Indians are found, however, it has not been possible to maintain a great number of neighborhood schools by reason of the nontaxability of a great amount of the land in these vicinities. The Federal Government has appropriated \$300,000 this year to supply the deficiency in the school taxes of Oklahoma occasioned by the great amount of nontaxable land. Until there is no special need for the tribal schools they should be continued.

SPECIAL RECOMMENDATIONS.

In addition to the recommendations contained in previous paragraphs, we wish especially to emphasize the following:

I. The amendment in the last appropriation bill restricting the expenditure of funds for the allotment of Indians on the public domain to places outside of Arizona and New Mexico suggests the importance of immediate and thorough investigation into the whole question of public domain allotments in order that this important question may be presented to the committees of the next Congress intelligently and effectively.

II. The expenditure of appropriations for allotment of land or the irrigation of the same, should go hand in hand with expenditures for the improvement and development of those lands by the individual owners thereof. The appropriation of funds to allot or to irrigate raw lands, without at the same time providing for the individual Indians means of improving and bringing their lands under cultivation, not only results in no benefit to them but in actual detriment by presenting an easy way to the leasing system and to consequent habits of idleness and dependence.

III. In view of the numerous claims asserted by Indian tribes or attorneys interested in their behalf, in connection with alleged breach of treaty obligations on the part of the Government, it is recommended that trained men be assigned to a careful study of all Indian treaties and of the history of administration thereunder, in order that the Secretary of the Interior himself (where prima facie ground for claims are found to exist) may recommend legislation looking toward the securing of jurisdictional acts that will permit the proper presentation of such claims before the Court of Claims under contracts with attorneys that properly safeguard the rights of the Indians. It is urged that such investigation on the part of Government employees is necessary in order to avoid

the danger of the employment of attorneys under unconscionable contracts with Indian tribes, and in order promptly and righteously to determine the extent of just claims of Indian tribes against the Government.

IV. We recommend that in the administration of Indian property the greatest liberality consistent with the welfare of the individual Indian be exercised in permitting him to make use of his own funds derived as income from his own property, including rentals of all kinds, while at the same time the greatest care be exercised in the matter of granting certificates of competency or patents in fee to Indians not thoroughly competent to protect their property.

V. We commend the policy of placing Indian children in public schools wherever the conditions render such a course possible and advisable. However, we wish to express a word of caution against a too rapid tendency to do away with the boarding schools for Indian children in the case of those whose home conditions are not such as to give them proper industrial and moral training.

VI. We recommend that most careful attention be given to the affairs of the Pueblo Indians in New Mexico and Arizona, especially to their request to have the lands of their Pueblo grants taken over in trust by the Government.

During the year the board lost through death two of its most able and distinguished members.

Albert K. Smiley, who was appointed a member in 1879, died December 2, 1912. Mr. Smiley's interest in the Indians and knowledge of conditions among them arose from first-hand investigations in which he took the greatest interest, and the results of which were manifest wherever he was able to bring his wide influence to bear. As the founder of the Lake Mohonk Conferences of Friends of the Indian, for over a quarter of a century he gathered at his beautiful summer resort in New York State each year several hundred earnest men and women who for three days discussed problems with leisure and thoroughness, arriving at judgments which through the public press and otherwise had a most important influence in molding public opinion respecting policies and methods. The President of the United States appointed to succeed him his brother, Hon. Daniel Smiley.

Dr. Andrew S. Draper, commissioner of education of the State of New York, was appointed a member of the board in 1902. In 1909 he was elected chairman of the board and retained that position for four years, when the necessity for his reducing his responsibilities compelled him to resign that position. Dr. Draper brought to the work of the board resources of a trained lawyer and judge and of an educator whose breadth of view and experience were unsurpassed. He died April 27, 1913.

Respectfully submitted,

GEORGE VAUX, JR., *Chairman*,
MERRILL E. GATES,
WILLIAM D. WALKER,
WARREN K. MOOREHEAD,
SAMUEL A. ELIOT,
FRANK KNOX,
WILLIAM H. KETCHAM,
EDWARD E. AYER,
DANIEL SMILEY.

APPENDIX A.

DEPARTMENT OF THE INTERIOR,
BOARD OF INDIAN COMMISSIONERS,
Philadelphia, Pa., August 28, 1913.

To the UNITED STATES BOARD OF INDIAN COMMISSIONERS.

GENTLEMEN: I would respectfully report on behalf of the purchasing committee of your board that during the year I have been in frequent conference with the authorities of the Indian Bureau respecting the specifications for and the purchasing of supplies and the letting of contracts in connection therewith. In pursuance of this work I was present in Chicago from April 17 to 20, 1913, and personally examined many hundreds of bids and samples and assisted in selecting the articles for which awards were finally made. In addition, I have endeavored to keep in touch with the making of awards at St. Louis, where it seemed impracticable for any member of the committee to attend. Throughout

the work the endeavor was made to conserve the interests of the Government and of the Indians by purchasing goods best adapted for the purpose and that would give the best service for the least money, all things considered.

Respectfully submitted.

GEORGE VAUX, JR.,
Chairman.

DEPARTMENT OF THE INTERIOR,
BOARD OF INDIAN COMMISSIONERS,
Andover, Mass., December 5, 1913.

HON. JOE T. ROBINSON,
Chairman Joint Commission to Investigate Indian Affairs,

Washington, D. C.

MY DEAR SIR: I have your letter of December 3. In reply I hand you the Oklahoma report as the result of my investigation for the Board of Indian Commissioners. This report, in somewhat different form, was the one which the Secretary of the Interior refused to publish as an official document. All the statements made in this report may be verified by reference to files of the various governmental departments in Oklahoma or the papers and data in possession of the attorney for the Creek Indians.

I also hand you my speech delivered at Lake Mohonk, October, 1912, "The lesson of White Earth."

The speech delivered by me in October, 1913, at Lake Mohonk has not been published and my copy is in the hands of the printer. I have written to the secretary of the Mohonk conference, H. C. Phillips, who is now in Washington, and asked him to furnish you advance proofs or copy of said article at the earliest possible moment.

If your committee desires to have me appear as a witness regarding the condition of the Indians in Minnesota, South Dakota, and Oklahoma, I shall be happy to do so. I am at liberty any time between December 11 and 28.

As one who has spent 30 years in the study of various Indian matters, I welcome your investigation, and trust that much good will come of it.

Very respectfully, yours,

WARREN K. MOOREHEAD

DEPARTMENT OF ARCHEOLOGY,
PHILLIPS ACADEMY,
Andover, Mass., December 12, 1913.

HON. JOE T. ROBINSON,
Chairman Commission Investigating Indian Affairs, Washington, D. C.

MY DEAR SIR: Since writing you the other day, it has been suggested by a prominent person not connected with the Government service, yet familiar with Indian affairs, that I should offer a modification of my "National paid commission" idea.

The recommendations presented in the Lake Mohonk speech were the result of 5 years' careful investigation of the problem, or 30 years' general study of Indians. It has been mentioned to me that the recommendations are sound, with this exception, that there should be 3 or 5 commissioners instead of 10. This seems more advisable, and will be less expensive to the Government.

I would further suggest, if you do not mind, that Hon. Cato Sells and Hon. E. B. Meritt serve on this commission. Hon. Dana H. Kelsey, of Oklahoma, has long been in the service and understands the Oklahoma situation thoroughly. He would be a good man—reliable, discreet, upright, capable, and familiar with such important subjects as oil, coal, timber, and farming properties.

We want the best available men, regardless of expense. It seems to me that one of the weakest things in the entire Indian administration is our inspection service. When I was first appointed on the Board of Indian Commissioners and visited reservations I ascertained that previous inspectors and special agents had paid practically no attention to graft, fraud, incompetency, and disease. They had concerned themselves with petty details. It remained for Hon. E. B. Linnen and myself in our reports to call attention of the department to the real needs and troubles of the Indians. If these inspecting officials had done their duty conscientiously between the years 1885 and 1908 the Indian problem would be practically solved at the present time. An examination of the files in the

office of the honorable Secretary of the Interior, will acquaint you with the fact that Mr. Linnen's reports are the only real, "live-wire" inspection—intelligent inspection—that we have had. If Mr. Linnen could have charge of the entire field force under the national commission, or himself be a member of the commission, it would gain in efficiency. He is a very competent man in directing investigations.

It seems to me that our educational system can be improved upon, and more practical training afforded Indians. One of the commissioners should be familiar with modern educational methods, and such a one should possess, in addition, a knowledge of Indian character, history, and conditions. If you will pardon my presumption, I would like to serve on the commission in this capacity, having taught for over 13 years in the largest and oldest boys' school in the United States, and also investigated Indian conditions in many places. Any man may well feel proud to do his part toward solving our Indian problems, and I should consider it both a privilege and an honor to serve on the commission, if this be possible.

Regarding the present Board of Indian Commissioners, I hear that there is some misunderstanding in Washington with reference to its work. It is true that in the past the board was not as active as might be desired. At present, however, it is doing all that it possibly can toward solving the Indian problem. Speaking for myself, I have always advocated activity on the part of individual members, but as the others have not found it convenient to visit reservations to any extent, such duty has fallen to my lot. This year three of the members have visited reservations.

These are merely suggestions prompted by my long interest in the welfare of these poor people. As you are aware, the situation generally is not satisfactory, and we need several men appointed for a term of years to take over the whole Indian body and property—"lock, stock, and barrel."

There are a number of important matters I should like to talk with you concerning, and I shall be glad to come to Washington at any time agreeable to your convenience, if you care to see me.

Thanking you, I am, very truly, yours,

WARREN K. MOOREHEAD.

AN HISTORICAL REVIEW OF THE INDIAN SITUATION.

Addressed at Lake Mohonk, by Hon. Warren K. Moorehead.

There are many persons in this country who know a little of Indian history; there are few persons who are thoroughly familiar with Indian history. History is one of the greatest things in the world. History and science are synonymous in that both aim at absolute truth. One is a recitation of that which has occurred in the past, the other is investigation to learn truth.

Both history and science enter into Indian subjects vastly more than we imagine, and because many of us ignore history or are ignorant of science we have failed to understand the Indian. Hence our mistakes.

There may have been some excuse for our misunderstanding and misinformation regard the American Indian in the past; there is absolutely no excuse to-day.

Francis Parkman portrayed in immortal lines the Indian of 1600 to 1800. Some of you in this room will live to see the modern Indians' history written by a competent, just, and true man. And what he has to say will bring the blush of shame to the children and grandchildren of many of us.

Beyond question, we have come to the parting of the ways. We must do for the Indian what we do for other citizens, else the taxpayers of this country will assume a grievous burden.

In our historical review we have before us the events of the past 40 years. Let us regard them in the large sense.

The papers read this year and last here at Mohonk should convince you that there is something wrong with our administration of Indian affairs, else these gentlemen would not present to you so many stories of trouble—not only in Oklahoma, but elsewhere.

Assuming that you remember what has been presented here by men familiar with Indian conditions, I will dismiss my own recent investigation of Oklahoma

¹At Lake Mohonk Conference of Friends of the Indian and other Dependent Peoples, October 22, 1913.

affairs with the statement that Mr. J. Weston Allen and myself prepared for the American people a pamphlet entitled "Our National Problem." This covers the whole situation in that unfortunate region. Copies are available for all who desire to know the facts.

The speech of Hon. Charles H. Burke, delivered in the House of Representatives December 13, 1912, was a revelation to the Members of our Congress. In this famous address Mr. Burke showed that the bulk of the minors and incompetent Indians in the State of Oklahoma, through dishonest guardians or administrators, had been swindled out of their property. M. L. Mott, attorney for the Creek Indians, says that there are 21,000 guardianship and administrator cases which need readjusting—not to use a stronger term. Statistics compiled in a number of counties in Oklahoma indicate that as high as 70 per cent has been charged; that in many cases the handling of estates cost from 30 to 90 per cent, and in one county the lowest rate was 16 per cent. The average in 30 States of our Union, exclusive of Oklahoma, is 3 per cent for compensation and expenses to guardians and administrators. There are 4,339 guardians and administrators in the Creek Nation who, up to December 13, 1912, had made no report. And the Creeks are but one of the Five Civilized Tribes.

Congressman William H. Murray has already called your attention to Oklahoma affairs in his able paper read this morning. And he knows whereof he speaks.

If it were stated in the House of Commons, in England, that Englishmen had swindled 21,000 minor children residing in one of England's dependencies, Britishers from the length and breadth of England would be aroused, immediate reforms instituted, restitution made, and all men false to so sacred a trust imprisoned at hard labor. Yet the Oklahoma scandal continues, and certain newspapers denounce us for interfering with business.

None of the statements made by Mr. Burke and Mr. Mott with reference to Oklahoma and the 100,000 Indians living therein were denied, and the same is true of my publications regarding Oklahoma, Minnesota, Colorado, and elsewhere.

You naturally inquire: Why do not our laws prevent the robbing of Indians? Because they are not enforced. In the October number of the *World's Work* is an able article by Mr. George W. Alger dealing with the delays of our courts and comparing our legal machinery with that of England. The English administer justice surely and swiftly. We do not. No less an authority than ex-President Taft has called attention to the inexcusable delays in the courts made possible by public indifference to the operations of justice. If these high authorities criticize our administration of justice among white people, what would they have said did they know the truth concerning legal matters in the Indian country?

In Minnesota the situation reported to me by Agent Howard and the Department of Justice is to the effect that some lands have been recovered of those 200,000 or more acres stolen as a result of removing restrictions on incompetents' lands, and that more will be recovered in the near future, but that Maj. Howard issued rations to 762 Indians last winter to prevent suffering. And yet White Earth was never a ration agency until we forced incompetents into citizenship.

Although over four years has elapsed since Mr. Linnen's investigation and mine of the dreadful White Earth scandals, only recently has justice been obtained. A third roll of the full bloods is being made, whereas the original roll of full-blood Indians was correct and withstood the assaults of the grafters. I contend that this making of a second and third roll was and is unnecessary. I cite this fact as indicative of how often we duplicate work, or perform unnecessary tasks.

There have been no end of investigations in the Indian country. If anything, we have had too many investigations. One succeeds another. There are exceptions, but usually the first man presents the plain, unadulterated truth, and his report should be accepted and the burden of proof put on the shoulders of the grafters where it properly belongs. Instead of that, we listen to the chorus of disgruntled grafters and order another investigation.

Hence there is no end to the complications confronting us at the present time. The laws differ in various States. Even the rulings of the Indian Office itself vary. There are able and upright tribal attorneys fighting for certain **bands of Indians, and opposed to them are the sharpest lawyers that money will buy** fighting for the great corporations interested not in the Indian but in his timber, his oil, his gas, and his coal properties. There are yet others who

seek to secure the millions of Indian dollars lying in the United States Treasury. Apropos of this money in the Treasury one might change a set-official passage to read: "Where the Indian money lies there will the grafters be gathered together."

Our synopsis of the past 40 years indicates not only misunderstanding and mistakes, but incompetency. Do you realize that the grafters welcome with glad acclaim our proposals to tax Indians, remove restrictions, and make citizens of all? Of course they do, and we have become far too often merely cat's-paws for those who love not their neighbors as themselves.

Why are we incompetent in handling our Indians? Chiefly because we have not been trained in the management of a dependent people as have Englishmen. It is not because our Commissioners of Indian Affairs and heads of departments have been either weaklings or dishonest. All the men who have held these high offices and nearly all of the thousands of men and women in lesser positions have been faithful and earnest and upright. We must seek the root of the evil elsewhere. It is because of our form of government and the sweeping changes we make every few years. A man no more than learns his duties than out he goes.

Next in importance is the fact that we do not push our legal cases against grafters, and we pay entirely too much attention to complaints of settlers or others who covet the Indian property. We conserve vast sums in Washington for these Indians, and our scheme of paying immense royalties to certain favored Indians and permitting others to be defrauded out of all their property produces a small class of wealthy Indians, most of whom dissipate their large returns, and a greater class of paupers.

Truer still is this: That our frequent changes in the personnel of the commission-ership (for instance, we have had four commissioners in less than six years) is not conducive to an intelligent grasp of the problem. In other words, the high office of Commissioner of Indian Affairs is not stable. We pay too great heed to the plea of certain Congressmen or individuals or societies.

To be specific, we should have heard those Navajo Indians' plea for fair treatment. Instead, we have let the white men appropriate or endanger certain of their land.

At Red Lake, Minn., we have Indians who have long supported themselves. Now, educated mixed blood and white people wish to make a second White Earth of that place. And unless we take the lesson of White Earth to heart, they will succeed.

We do not ignore the complaints of educated Indians who are abundantly able to take care of themselves. We lose sight of the great issue in our administration of Indian affairs.

The scientists tell us that it is contrary to human experience to expect a race to totally change its life in two or three generations and survive the ordeal. We have let disease get beyond control, and the percentages of trachoma and tuberculosis are staggering. Why? Because we quickly and stupidly changed Indians from open air to close-cabin life. At present we are advocating the open-air life. Naturally the older Indians are confused and say that they no more than adopt one manner of life than there appears a new Wash-tonace who orders them to live a different way.

We don't take to heart the Navajo lesson. Other speakers will tell you concerning these 28,000 finest Indians in America. Why finest? Because we have let them alone and not treated them as we have the natives in Oklahoma, California, Colorado, and Minnesota. And why we can't leave these Navajos in peace and prosperity and happiness passes my comprehension.

We now come to what is even more important than which has preceded. All Indians are divided into two classes, and the line between them is clear cut.

A. The few who are highly educated or partly educated and self-supporting.

B. The vast number who are ignorant, sick, or verging on pauperism.

We have set out to make all Indians of the former class. This is commendable. I wish all of you could travel in the remote districts of 20 localities and observe how few are in class A and how many in class B.

If I had power, I would issue an order this very hour to every employee in the Indian Service hereafter to pay absolutely no attention to letters from the incompetents of class A. They are the ones who consume most of the field workers' valuable time. As a consequence, those who need assistance suffer.

Since we have the greater part of our 300,000 Indians, whether classed as mixed bloods or not, to be protected, we should concentrate on that protection.

The statement that they are drifting into pauperism is no exaggeration. I have letters from Indians stating that some of their friends now live along the section lines in Oklahoma. Why? Because we have simply made paper citizens out of those Indians. The property of every one of you in this room is safe. Your citizenship is perfect; the Indian citizenship is not.

When a death occurs among any of you the heirs are not hounded by messenger, letter, and telephone that such and such a person be immediately appointed administrator or guardian. Yet this occurs in Oklahoma every day in the year. If, along with our educating and allotting, we gave these Indians the same protection that white citizens elsewhere enjoy, what a different story the future historian would relate. The weakest thing in the entire Indian situation is that the citizenship we have handed the Indian carries no weight, and unless he belong to the favored class A he can no more keep his property than can the lamb escape from the jaws of the wolf.

Ladies and gentlemen, for 40 years we have had the same Indian policy. We have talked about the advancement of the Indian as a race. We have made him all sorts of promises, few of which we have kept. To be specific, we have made three solemn covenants with the Five Civilized Tribes and two of them we have deliberately and treacherously broken in the past 15 years. Our policy embodies a dangerous tendency. Seventeen of the 30 Minnesota grafters were educated Indians. I think they became traitors to their own people not because they were inherently bad, but for the reason that they saw white men getting rich in the ways described to you in the papers read here last year and this, and therefore they deliberately followed such bad examples. I know of one highly educated Indian who for years was loyal to the Government and true to his people. Certain officials treated him shabbily, refused him promotion after he had fought grafters, almost alone, when other people became wealthy. That man became embittered and went over to the enemy body and soul.

Ours is a tremendous responsibility, especially if we tell these Indians that they are citizens like white people, if we say, "Select your allotment, go to church and to school, and all will be well with you." They look about them and observe the bankers, lawyers, and business men of the white race robbing Indians without let or hindrance. It discourages Indians just as it would discourage any of you. They ask, "What is the reward of being good?"

Indians work and accumulate a little property, or inherit property, or are given property. Along comes the grafter—and note that he does not trouble the white citizens—and he takes that property usually in a few months, and seldom is he a few years in getting it. The Government at Washington proceeds in a leisurely manner with the case. Years pass and most of the cases expire by statute of limitation. What is the result? The Indians naturally conclude that the grafters are more powerful than the Great Father. I want to say to you in all seriousness, that this discrimination is a powerful factor in retarding Indian progress, and that it causes educated as well as uneducated Indians to lose faith in us and our civilization?

Have you read your Indian history carefully? We have made thousands of prosperous citizens, but after all these years of training we have not produced a single great Indian man or woman. What woman have we of the fame of Sacagawea, the Bird Woman who guided Lewis and Clark to the Pacific Ocean? Not one. And of the great Red Men—Tecumseh and Chief Joseph, and Joseph Brant and Red Cloud—they are all of the olden days and have their sure place in American history. Sequoya, the great Cherokee, was trained and educated 50 years before we inaugurated our present policy. His alphabet, his attainments, his reputation are due to himself and his people, and not to us. The finest building I saw in all Oklahoma is the stone school erected by the Cherokees 20 years ago with their own money. And we have now filled it with white people.

Nobody denies that our citizenship campaign of 40 years has benefited thousands of Indians. But, while that is true, you will find in the Indian Office and other medical statistics, totals of more diseased Indians than educated Indians. There is no excuse for the spread of trachoma and tuberculosis. We would not permit it among our white children, yet we have allowed the one to close forever the eyes of little boys and girls and grown men, and consumption causes untold numbers to waste away.

Progress—great progress—in protecting Indians the past two years is due, chiefly, to publicity. After I had investigated and reported on conditions in Oklahoma for the Board of Indian Commissioners, I received word from the

Acting Secretary of the Interior that my report would not be printed in the annual report of our board. Fortunately, a pamphlet, already mentioned, had been printed exposing the desperate situation of the Five Civilized Tribes, but it was not issued officially. The Acting Secretary based his refusal to print my report on the grounds that it contained a rather severe criticism of certain Members of Congress and that another portion of it would cause resentment in Oklahoma. He did not deny the facts and said the report was valuable to the files of the department.

No single man, acting as Commissioner of Indian Affairs, is able to withstand congressional and other pressure. The Congressmen must do as their constituents wish. This statement does not involve the integrity of the commissioner or the honesty of Congressmen. It is merely what anyone with eyes and ears may prove a visit to 1 of 20 places in this country. Our Indian problem has become acute, and, I fear, will grow worse and not better, unless we change our policy.

To sum up, we have 20 per cent of our Indians self-supporting. We have 80 per cent dependent—and this after 40 years.

There is but one solution, to my mind—and my plan is based not only on my own studies and investigations, but also upon the work of the Indian Rights Association and the reports of Mr. E. B. Linnem, who has visited all the reservations and is, according to my humble opinion, the best posted man on Indian affairs generally in this country. My plan may seem radical, but this is a time for positive measures.

The President of the United States should name a national commission of nine men—men who know something regarding Indians. This commission should be invested with absolute authority, and with no appeal possible from its findings. At least 10 years should be assigned as the life of the commission. The best men available should be selected, and they should receive liberal compensation and devote their time exclusively to the Indian cause.

The office of head commissioner abolished, the commission should take in charge the present efficient machinery of the Indian Service, investigate every phase of the subject, publish quarterly reports, and render an accounting of all moneys received and spent.

All hearings should be open. The commission would eliminate all competent or educated Indians at once. All money in the Treasury to the credit of Indians, and all lands, minerals, and other property should be held in control. Lists of Indians as to quantum of white blood must be compiled by competent ethnologists and accepted by the commission as absolutely final. In the case of disputes all interested persons should be heard and the commission render decision in accord with the facts.

This plan is not visionary, but on the contrary is quite practical. A commission is able to withstand the assaults of the ignorant, the selfish, and the unscrupulous. A single commissioner can not. The frequent changes in the congressional Indian Committees would not affect a 10-year board.

At the end of the 10 years, all ignorant or incompetent Indians would be living upon their allotments properly protected.

The commission would be able to save the taxpayers of this country untold sums, and the Indian property conserved would amount to many millions. Under our old-time policy the \$1,000,000,000 of property possessed by the Indians will soon be lost forever, save the little owned by class A, already mentioned.

There are not wanting true and able men in our country who are competent to administer this great trust. The present Board of Indian Commissioners does what it can to stay the grafters' hand, but it can not assume full control because its appropriation is small and its members are in the professions or in business. They can not devote sufficient time to the work.

A national board would relieve Congress, the public, and the various philanthropic societies of the burden.

Finally, science says we have done the Indian great physical harm. It is true. The book of Indian history is open before us. The lessons are all there. They are dark ones, and they narrate ignorance and incompetency, but they are true, for they are history. If we are wise and faithful in our generation we will heed these important lessons. If we are perverse and blind to facts, we will continue on as blundering and careless students. We must decide now and forever. [Applause.]

JANUARY 28, 1914.

DEAR SENATOR ROBINSON: It gives me pleasure to say to you that the board of Indian commissioner accepts with appreciation your invitation to meet the members of the joint commission for the discussion of such phases of Indian administration or legislation as, in your judgment, are deemed best. It is expected that nine members of the board will be in attendance at the board's meeting on February 4, 5, and 6. The forenoon of February 5 would doubtless be the most practicable time, from the standpoint of our board, for the proposed meeting. However, if a different date is more agreeable to you, we can very readily and will very gladly make our plans to conform with your wishes.

The report of Commissioner Ayer concerning the Menominee is already before you. I am not sure that the reports of Commissioners Eliot and Ketcham on Papago, Navaho, Pueblo, and Mescalero Apache matters will be completed and ready for formal presentation at that time; however, they may have some observation bearing upon pending legislation relative to the various tribes visited by them which your commission may care to hear. In addition to the reports just referred to, the board will have some recommendations concerning Indian irrigation law and Indian forests, which its members will be glad to discuss with your commission.

Upon advice from you as to the date fixed by you for the proposed meeting of the two commissions, I shall promptly make arrangements to conform therewith.

Yours, very truly,

F. H. ABBOTT, *Secretary.*

Hon JOE T. ROBINSON,

*Chairman Joint Commission for the Investigation of
Indian Affairs, Washington, D. C.*

JANUARY 29, 1914.

Hon. F. H. ABBOTT,

*Secretary Board of Indian Commissioners,
Bureau of Mines Building, Washington, D. C.*

DEAR MR. ABBOTT: In reply to your letter of the 28th instant, I shall be glad to arrange for the Board of Indian Commissioners to be heard before the Joint Commission to Investigate Indian Affairs in the forenoon of February 5. The commission will be very glad to receive such information and suggestions as the board may desire to impart.

Yours, truly,

JOE T. ROBINSON, *Chairman.*

FEBRUARY 4, 1914.

Hon. F. H. ABBOTT,

*Secretary Board of Indian Commissioners,
Bureau of Mines Building, Washington, D. C.*

DEAR MR. ABBOTT: I am directed by the chairman of the Joint Commission to Investigate Indian Affairs, to notify you that a meeting of the commission will be held Thursday morning, 10 o'clock, to hear any members of the Board of Indian Commissioners who desire to appear.

Very truly,

R. B. KEATING, *Secretary.*

DEPARTMENT OF THE INTERIOR,
BOARD OF INDIAN COMMISSIONERS,
Washington, D. C., February 6, 1914.

MY DEAR SENATOR: I take pleasure, at the request of your Mr. Williams, in transmitting to you herewith a resolution adopted at the present meeting of our board, defining the functions and duties of the members thereof under existing laws and Executive orders. For your further information I am inclosing a copy of the board's annual report for the years 1910-11, which sets out the statutes and the Executive order bearing on this question. I also am pleased to send to you copy of a justification in support of an estimate for \$10,000, made

by former Secretary Fisher last year for the expenses of the Board of Indian Commissioners. There is inclosed also a brief biographical sketch of the members of the board.

Sincerely, yours,

HON. JOE T. ROBINSON,

Senate Committee on Indian Affairs,

United States Capitol, Washington, D. C.

F. H. ABBOTT, *Secretary.*

Whereas there is frequent inquiry as to the functions, duties, and authority of the Board of Indian Commissioners and the laws and Executive orders under which it is constituted and acting: Therefore be it

Resolved, That the following statement be and is accepted as the board's interpretation of its powers and duties under existing law.

The act of May 17, 1882 (22 Stat., 70), the last act of Congress relating to the duties of the Board of Indian Commissioners, provides:

"And hereafter the commission shall only have power to visit and inspect agencies and other branches of the Indian Service, and to inspect goods purchased for said service, and the Commissioner of Indian Affairs shall consult with the commission in the purchase of supplies. The commission shall report their doings to the Secretary of the Interior."

The primary purpose of this act was doubtless to relieve the board of the responsibility of supervising "expenditures of money appropriated for the benefit of Indians within the limits of the United States," a duty specifically imposed by the act of July 15, 1870 (16 Stat., 360), and to reserve in the board the duties imposed by the act of April 10, 1869 (16 Stat., 40), and the act of May 29, 1872 (17 Stat., 186).

The act of April 10, 1869 (16 Stat., 40), carried an appropriation of \$2,000,000.

"To enable the President to maintain peace among and with the various tribes, bands, and parties of Indians and to promote civilization among the said Indians, bring them, where practicable, upon reservations, relieve their necessities, and encourage their efforts at self-support * * * and for the purpose of enabling the President to execute the powers conferred by this act, he is hereby authorized, at his discretion, to organize a Board of Indian Commissioners, to consist of not more than 10 persons, to be selected by him from men eminent for their intelligence and philanthropy to serve without pecuniary compensation, who may, under his direction, exercise joint control with the Secretary of the Interior over the disbursement of the appropriations made by this act or any part thereof that the President may designate."

The act of May 29, 1872 (17 Stat., 186), provides:

"The Board of Indian Commissioners is empowered to investigate all contracts, expenditures, and accounts in connection with the Indian Service and shall have access to all books and papers relating thereto in any Government office."

In retaining in the board all the authority vested in it by earlier acts of Congress relating to visitation and inspection of Indian agencies and other branches of the Indian Service and to the inspection and purchase of goods for said service, the act of May 17, 1882, above quoted, necessarily left remaining in full force and effect all the provisions of the Executive order of June 3, 1869, setting forth the authority and duties of the members of the Board of Indian Commissioners no inconsistent with the provisions of the said act of May 17, 1882. In other words, all the duties and functions of the board set forth in the Executive order of June 3, 1869, relating to the visitation and inspection of agencies and other branches of the Indian Service and the inspection and purchase of goods, are still in full force and effect and will continue to be so until altered or modified by a subsequent Executive order.

The paragraphs of the Executive order of June 3, 1869, therefore, which are still in full force and effect and binding upon all departments of the Government, are as follows:

"The following regulations will, till further directions, control the action of said commission and the Bureau of Indian Affairs, in matters coming under their joint supervision:

"First. The commission will make its own organization and employ its own clerical assistants.

"Second. The commission shall be furnished with full opportunity to inspect the records of the Indian Office, and to obtain full information as to the conduct of all parts of the affairs thereof.

"Third. They shall have full power to inspect in person, or by subcommittee, the various Indian superintendencies and agencies in the Indian country.

"Fourth. They are authorized to be present in person or by subcommittee at purchases of goods for Indian purposes, and inspect said purchases, advising with the Commissioner of Indian Affairs with regard thereto. And it shall be the duty of the Commissioner of Indian Affairs 'to consult the commission in making purchases of such goods.' (Act of July 15, 1870, 16 Stat., 360.)

"Whenever they shall deem it necessary or advisable that instructions of superintendents or agents be changed or modified, they will communicate such advice through the office of the Commissioner of Indian Affairs, to the Secretary of the Interior; and, in like manner, their advice as to changes in modes of purchasing goods or conducting the affairs of the Indian Bureau proper. Complaints against superintendents or agents or other officers will, in the same manner, be forwarded to the Indian Bureau or Department of the Interior for action.

"The commission will, at their board meetings, determine upon recommendations to be made as to the plans of civilizing or dealing with the Indians, and submit the same for action in the manner above indicated.

"Seventh. All the officers of the Government connected with the Indian Service are enjoined to afford every facility and opportunity to said commissioners and their subcommittees in the performance of their duties, and to give the most respectful heed to their advice within the limits of such officers' positive instructions from their superiors; to allow such commissioners full access to their records and accounts and to cooperate with them in the most earnest manner to the extent of their proper powers in the general work of civilizing the Indians, protecting them in their legal rights, and stimulating them to become industrious citizens in permanent homes instead of following a roving and savage life.

"Eighth. The commission will keep such records or minutes of their proceedings as may be necessary to afford evidence of their action, and will provide for the manner in which their communications with and advice to the Government shall be made and authenticated.

"Executive Mansion, Washington, D. C., June 3, 1869.

(Signed) "U. S. GRANT."

And, to the end that the work of this board may be carried forward with the fullest understanding and harmony and in the spirit of strict cooperation with the Department of the Interior, the Indian Office, and with Congress, be it further resolved that a copy of this resolution be transmitted to the Secretary of the Interior, the Commissioner of Indian Affairs, and to each and every member of the House and Senate Committees on Indian Affairs.

MEMBERS OF THE BOARD OF INDIAN COMMISSIONERS.

January 24, 1913.

George Vaux, jr., 1606 Morris Building, Philadelphia, Pa. (home Bryn Mawr, Pa.), the present chairman of the board, was appointed a member November 27, 1906. He is 49 years of age and is a lawyer prominently identified with public affairs in Philadelphia, being past vice president of the National Conference of Charities and Correction, and at present vice chairman of the committee of 100 of Philadelphia citizens on municipal charities, president pro tempore of the Pennsylvania Public Charities Association just being formed, and chairman of the executive committee of the board of managers of Haverford College.

Merrill E. Gates, LL. D., 1309 Rhode Island Avenue, Washington, D. C., became a member of the board in 1884; was its chairman from 1890 to 1899, and its secretary from 1899 to 1911. He is 64 years of age, was formerly president of Amherst College and of Rutgers College, and is prominently connected with educational and religious work.

William D. Walker, D. D., LL. D., 367 Elmwood Avenue, Buffalo, N. Y., was appointed to the board in 1887. He is 73 years of age, and since 1896 has been Protestant Episcopal bishop of western New York. For 13 years he was

missionary bishop of North Dakota, where he acquired a wide acquaintance with Indian affairs.

Andrew S. Draper, LL. D., Albany, N. Y., was appointed to the board in 1902, and was its chairman from 1909 until January 15, 1913. He is 64 years of age, and is New York State Commissioner of Education, which position he held from 1886 to 1892, and reassumed in 1904. He was formerly a practicing lawyer and a member of the New York State Assembly. From 1894 to 1904 he was president of the University of Illinois. His interest in Indian affairs dates back more than 25 years, during which time he has taken an active part in the Lake Mohonk conferences on that subject.

Warren K. Moorehead, Andover, Mass., has been a member of the board since 1908. He is 46 years of age, and is head curator of the department of archaeology of Phillip's Academy. Since his college days he has been a student of Indian matters, having undertaken, in addition to ethnological research, many investigations at his own expense. In 1909 he brought to the attention of the Indian Office the serious conditions on the White Earth Reservation, and under temporary appointment from the Indian Office assisted in the investigation of those conditions.

Samuel A. Eliot, D. D., 25 Beacon Street, Boston, Mass., was appointed to the board in 1909. He is 50 years of age, and is a son of the president emeritus of Harvard University. From 1889 to 1893 he was pastor of the Unity Church, Denver, and from 1893 to 1898, minister of the Church of the Saviour, Brooklyn. In 1898 he became secretary of the American Unitarian Association, and in 1900 was elected its president which position he still holds.

(W.) Frank Knox, Manchester, N. H., was appointed to the board May 2, 1911, being at that time editor of the Sault Ste. Marie (Mich.) News. He is now editor and proprietor of the Leader, Manchester, N. H.

Edward E. Ayer, 1515 Railway Exchange Building, Chicago, was appointed to the board November 18, 1912. He is 71 years of age, and has been a railroad contractor all his life, but has practically retired from business and for the past 20 years has been engaged in historical research, the collection of libraries and such work as that of the Field Museum of which he was the first president and is still a director. He is a student of Indian affairs, having collected and donated to the Newberry Library of Chicago, with a fund for its perpetual maintenance, a collection of over 30,000 works on Indian affairs at a cost of approximately half a million dollars. He also owns one of the finest private libraries in the United States.

William H. Ketcham, 1326 New York Avenue, Washington, D. C., was appointed to the board December 3, 1912. He is 44 years of age, and since 1901 has been director of the Bureau of Catholic Indian Missions, with headquarters in Washington. For about 10 years he was stationed in Oklahoma, as missionary first to the Creek and Cherokee Indians and later to the full-blood Choctaws. Since 1891 he has been an ordained Roman Catholic priest.

Daniel Smiley, Mohonk Lake, N. Y., was appointed to the board December 17, 1912. He is a business man, about 55 years of age, and for about 20 years has been the manager and more recently coproprietor of the Lake Mohonk estate of his late brother, Albert K. Smiley, upon whose death, in December, 1912, he became proprietor. For more than 10 years he has shared with his brother the management and expense of the conferences on Indian affairs held annually at Mohonk Lake, and has now assumed full responsibility for their continuance.

Isidore B. Dockweiler, Los Angeles, Cal., was appointed by President Wilson on December 22, 1913. He is one of the most prominent lawyers on the Pacific coast and is 46 years of age. He has been prominently identified with the advancement of education and of movements for civic betterment within his State, and a man whose ability in his profession and standing as a citizen have given him a national reputation.

FORTY-SECOND REPORT OF THE BOARD OF INDIAN COMMISSIONERS.

OFFICE BOARD OF INDIAN COMMISSIONERS,
Washington, D. C., November 28, 1911.

SIR: We have the honor to submit the forty-second report of the Board of Indian Commissioners. As the board has recently voted to report in future for the fiscal year, instead of as heretofore for the calendar year, this report covers 18 months ending June 30, 1911.

WORK OF THE BOARD.

So far as its funds have permitted, the board has discharged its duty of cooperating with the Commissioner of Indian Affairs in the inspection of supplies for the Indian Service. Except on two occasions it was represented by its secretary or by the chairman of its purchasing committee, or both, at the opening of bids at the Indian Office on March 1, March 2, March 8, March 29, April 5, April 12, April 19, May 17, and May 31, 1910. The late Commissioner Jacobs assisted in 1910 in examining samples and awarding contracts in Chicago, and in the same year several members of the board took part in examination and awards in New York. Statistics of the business done at Indian warehouses have been received and filed.

During 18 months the board has held four meetings—at Washington, February 16-18, 1910; at Mohonk Lake, N. Y., October 18-22, 1910; at Washington, February 8-9, 1911; and at New York, April 8, 1911. At the meeting held in February, 1911, the board appointed a special committee, consisting of Commissioners Draper, Vaux, and Eliot, to report "as to what steps ought to be taken to more fully realize the purpose for which the board exists and to increase its efficiency." The committee, in a report presented at a special meeting of the board April 8, 1911, recommended methods of administration, reviewed the board's history, and defined its powers and duties as deduced from the Executive order and legislation under which it operates. For convenient reference, extracts from such order and laws are included as an appendix of this report. The committee expressed the opinion that, apart from clearly defined legal duties, "the purpose underlying the Board of Indian Commissioners is that a public body of reasonable permanence, having the sanction of the Government and composed of disinterested citizens of high character who are acquainted with Indian problems, shall be continually in existence to enlighten and express public opinion, to watch over Indian legislation and administration, * * * and to act with entire freedom in commending or criticizing the course of Government officers or employees, to the end that justice may be done to all tribes and individual Indians."

The report further states that "in the more than 40 years that have elapsed since the board was created, its functions and powers have been somewhat modified by appropriation bills, by other legislative acts, and by experience. Moreover, the Indian situation is very different from what it was 40 years ago." In view of these facts the committee mentions some aims now generally shared by the Indian Office and other friends of the Indian, including—

"The discontinuance of tribal government, the training of all Indians for American citizenship, and their ultimate absorption into the citizenship of the country.

"The distribution of all tribal lands to their owners in severalty to the end that each Indian may have complete ownership over such real estate as equitably belongs to him.

"The equitable distribution of joint funds as well as lands.

"The promotion of the health of Indians living on reservations by suitable hygiene and sanitation.

"An education policy which will provide suitable schools for all Indian children, which schools shall as soon as practicable become a part of the public school system.

"The conservation and utilization of natural resources, with a view* to making the Indian Service self-supporting, and also with a view to the discontinuance of the influences which tend to pauperize the wards of the Nation who are often the owners of very considerable estates."

In the application of the foregoing principles and policies, the committee declares, "the administration should have the cordial support of the board." And it lists among the present duties of the board the following:

"To cooperate with the Commissioner of Indian Affairs and with the representatives of all the societies interested in the welfare of the Indians in promoting the principles and policies heretofore set forth in this report.

"To sustain mutually helpful relations with all individuals and organizations interested in the Indians and particularly with the representatives of the various missionary societies."

The board indorsed the work of its special committee, and in accordance with the spirit of the committee's report, we are disposed to undertake constructive cooperation with wisely directed agencies, governmental or otherwise, subject only to the limitations also expressed in the committee's report which states

that in order to develop the desired efficiency "it will be necessary for the board to secure from Congress a larger appropriation which will enable the members not only to fulfill the duties above described but also to visit the reservations and warehouses." The present annual appropriation for the support of the board is \$4,000, of which, after paying necessary office expenses and for travel incident to necessary meetings of the board, there seldom remains in any year as much as \$500—an amount insufficient for even the direct legal duty of properly assisting in the purchase of supplies.

CHANGES IN PERSONNEL.

Archbishop Patrick J. Ryan, of Philadelphia, a member of this board, died February 11, 1911, and Hon. Joseph T. Jacobs, of Detroit, another member, died April 11, 1911. The vacancies thus occasioned were filled by presidential appointments of his eminence Cardinal James Gibbons, of Baltimore, on February 15, 1911, and of Hon. Frank Knox, of Sault Ste. Marie, Mich., on May 2, 1911.

At a special meeting of the board on April 8, 1911, Commissioner Merrill E. Gates resigned his office as secretary of the board, and his resignation was accepted. Mr. H. C. Phillips was elected secretary of the board, to assume the office on September 1, 1911.

GENERAL RECOMMENDATIONS.

It has been the custom of this board to submit in each annual report impartial comment and recommendations concerning phases of the Indian problem which it believed of current interest. There accordingly follows brief comment on several matters.

SUPPLIES AND WAREHOUSES.

Cooperation in the purchase and inspection of supplies for the Indian Service has long been an important duty of this board. With the adoption of improved business methods this duty, formerly arduous, has been lightened, but the time has not come when it is wise to discard safeguards tending to prevent the defrauding of either the Government or the Indians. Supplies for the Indian Service still cost more than \$4,000,000 annually and involve purchases large enough to attract unscrupulous dealers. The board is ready to cooperate with the Indian Bureau in such manner as changed conditions may make necessary or advisable, with a view to continuing the protective policy which has largely done away with forms of graft common in earlier days. It is, however, only fair to repeat that for years the annual appropriations for the expenses of this board have been so small that the performance of our duty in this respect has necessarily been somewhat unsatisfactory to us and presumably to the Indian Bureau. It is hoped that increased appropriations available for travel may in future enable the board to do its full duty.

Closely connected with the purchase of supplies is the question of maintaining warehouses for their storage and inspection. We have repeatedly urged that it is unnecessary to maintain five Indian warehouses. This opinion we still hold; and we therefore commend that portion of the Indian appropriation bill for the fiscal year 1912 which, by omitting directions to maintain any particular warehouses, enables the Indian Bureau and the Department of the Interior to discontinue some existing warehouses as conditions permit. We favor the early discontinuance of all but one or two warehouses. But we believe the time has not come to discard the warehouse system and that at least one such institution is still necessary if for no other purpose than to permit adequate inspection of certain classes of supplies affording peculiar opportunities for fraud.

This board has steadily advocated the application to the Indian Service of the most modern business methods possible under existing conditions. We hope the Indian Office will soon be able to perfect some plan, as we understand it hopes to do, to expedite payment for Indian supplies by arranging for cash payments for contracted goods on delivery and inspection, without the unbusinesslike delay incident to payment through the office at Washington and the Treasury Department. In this, however, as in all advance steps, the reputation of the Indian Service demands that no existing safeguard be withdrawn without reasonable certainty that the newer methods will protect as well or better the rights of all parties concerned.

TRIBAL FUNDS.

Since 1899 this board has consistently urged the breaking up of tribal funds, and we still believe it is the next important step in the solution of the Indian problem. Every Indian entitled to share in these funds should be recognized by name upon the books of the Treasury and have his share either credited to him by name, in case he is incompetent to manage it, or paid to him if he is competent and legally entitled to receive it. The division of tribal funds is quite as logical an advance step as was the division of tribal lands; for, like tribal lands, they prevent the Indian from acquiring that sense of personal responsibility necessary to good citizenship, and they are peculiarly susceptible of exploitation by unscrupulous lawyers or claim agents.

The Government holds in trust for the Indians tribal funds amounting to more than \$49,000,000. Great as is this sum, its division into individual shares need not be very expensive. In his report for 1909 the Commissioner of Indian Affairs estimated the clerical force necessary to make and maintain the change to individual accounting in the case of all tribal funds then susceptible to segregation. Such a force would cost perhaps \$12,000 or \$16,000 a year for the first year or two and \$4,000 a year thereafter. It would be money well invested. The act of March 2, 1907 (34 Stat. L., 1221), permitting a limited breaking up of tribal funds, is only a slight beginning of the work which ought to be done. Congress long ago gave authority to the President, when in his opinion allotments of land seemed best for the majority of any Indian tribe, to make allotments to all the members of the tribe whether they desired allotments or not. The wisdom of this policy is now generally conceded. In the same way Congress could provide that tribal funds, as well as lands, should be allotted when such action seemed best for the majority of the Indians. In the case of the Osages, this has already been done under the act of June 28, 1906 (34 Stat., 539). The present method of granting his share to an individual Indian here and there upon his request and evidence of his competency is difficult, because so long as tribal funds exist the birth of additional children, with the accompanying right to at once share in such funds, makes the amount to be placed to the credit of an individual Indian hard to determine.

Congress should by law fix an early date when all tribal funds should be paid or credited to the individual members of the tribes, and provide that no Indian child born after that date can have any share therein except by regular inheritance.

Such a division of tribal funds would involve another great need—that of an accurate roll of Indians at every agency. It is time that the Government, if for no higher motive than accurate accounting and sound business methods, should have a carefully prepared tribal roll of every Indian tribe. It is believed that in the preparation of such rolls it would be desirable to secure through the Bureau of American Ethnology the services of some trained ethnologists whose study of Indian customs and Indian relationships would give a solid basis of scientific accuracy to the work. That such rolls are needed is evident from examples like the history of the last few years at the White Earth Indian Reservation, and the mass of litigation already accumulated with reference to the inheritance of Indian allotted lands. We recommend early legislation providing for the preparation of accurate tribal rolls of all Indians and fixing a date for the division into individual holdings of all tribal funds.

APACHE PRISONERS OF WAR.

In our forty-first annual report (for 1909) we reviewed the history of the Apache "prisoners of war" at Fort Sill, and recommended that they be set free; that to all of them who desired to remain individual allotments should be made at Fort Sill; and that those who voluntarily chose to return to Mes-calero be allowed to do so provided it did not involve a continuation of tribal life.

We believe that plain justice demands that each one of the approximately 240 Apaches now at Fort Sill who wishes to remain there should receive an allotment of not less than 80 acres, and that if not more than one-half of them choose to remain, the size of each allotment might well be considerably larger. In 1897 the Kiowas and Comanches gave for addition to the Fort Sill Reservation nearly 27,000 acres, "to be used only for military purposes and for the permanent settlement thereon of the Apache prisoners of war." Certainly one-

half of the land thus given is the least the Government should be willing to turn over to those Indians who desire to remain. That only a few Indians are involved is not the chief consideration, which is, rather, whether the Government can honorably pursue a course less generous than that suggested.

Senate bill 6152, Sixty-first Congress, second session, providing for an allotment of land to the Indians at Fort Sill, passed the Senate, but was not passed by the House of Representatives. Some similar law should be enacted, but we would deprecate legislation that did not clearly recognize the right of every Apache wishing to remain at Fort Sill to an adequate allotment there.

HEALTH.

The Indian Bureau has recently increased its medical work, but even now the number of physicians and the extent of medical inspection and supervision are still far below what the Indians need. We should at least give to Indian children, brought together in schools under artificial conditions, at an age when they are peculiarly susceptible of contagion, that thorough medical inspection and care which in recent years we have learned to give white children in public schools. Congress should be liberal in appropriations to enable an adequate force of physicians to regularly inspect Indian schools and homes and to check the spread of disease, especially tuberculosis, the frightful prevalence of which among Indians needs no comment. A recent pamphlet entitled "Manual on Tuberculosis," by the medical supervisor of the Indian Service, deserves wide reading. Other similar manuals for Indians would be valuable.

Not only should there be more physicians, but there is great need for more hospitals. In the fiscal year 1911 the six agency hospitals (the only ones in use not connected with boarding schools), with a total capacity of 126, cared for 455 patients. The statistics of hospitals, tuberculosis camps, and sanatoria seem to us to indicate that more such institutions are needed. Thousands of Indians are still entirely without the possibility of any treatment at a hospital.

We have no desire to criticize the health department of the Indian Bureau. On the contrary we are gratified by its increasing efficiency. We do, however, recommend even larger appropriations by Congress to protect the health of the Indians.

FARMING.

That farming should be the chief industry of most Indians is a recognized fact. It follows that practical instruction in farming will benefit the average Indian. There are few Indians under 40 years of age (except among the Navaho) who have not passed some years in Indian schools. But many of these schools have given no practical instruction in farming. Thousands of Indian men to whom land has been allotted greatly need education in its best use. We have heretofore declared that more and better paid farmers should be placed among the Indians; and it is gratifying that a recent appropriation permitting payment of fair salaries to expert farmers, coupled with a system of competitive examination, enables the Indian Office to put into the field 48 expert farmers, not "college-boy farmers" but many of them men not only of scientific knowledge but of practical experience, good sense, and ability to adapt methods to the Indians' environment. In the selection of farmers this element of practical common sense should weigh quite as much as the scientific element. All instruction should be within the Indians' comprehension.

Three bulletins issued by the Indian Office, entitled "Indian Fairs," "Demonstration Farms," and "Progress in Indian Farming," dated, respectively, December 31, 1909, March 5, 1910, and January 16, 1911, contain important information concerning these three phases of the problem and should be widely read. The Indian fairs appear to us valuable as an incentive to better farming, and as a substitute for other gatherings of a useless or harmful nature. The demonstration farms as practical object lessons are also commendable. In establishing such farms, however, care should be taken to do so on a financial scale modest enough and with methods simple enough to be imitated by the particular Indians for whose instruction they are intended.

Allied with the question of farming (since most Indians not farmers must be stock raisers) is that of improving the breed, and therefore the value, of stock owned by Indians. The Bureau of Animal Industry of the Agricultural Department already cooperates with the Indian Bureau in the examination of Indian stock and the stamping out of animal disease. We believe that there should go with this work efforts to interest Indians in improving the breed of their stock,

and that where the Indians can be interested, breeding animals should be maintained, for free service or service at a nominal charge, at farms and other centers under the charge of superintendents.

FIELD MATRONS.

Perhaps no work which the Government has undertaken for the Indians is more important than that of field matrons. At points in the Indian field, where Christian women of strong moral character and practical common sense have for a series of years been matrons, the marked change from the old Indian customs to the home ideals of civilized life is conclusive proof of the value of their work. They are increasingly needed as more and more Indians take allotments of land; for if it is important that Indian men be taught farming, it is equally or more important that Indian women be taught home making. For this work the capable field matron is peculiarly fitted. We believe it would be desirable to double the number (now 61) of field matrons within the next fiscal year.

SCHOOLS.

The most hopeful feature of Indian education seems to us to be the great increase in the number of Indian pupils (now about 4,400, not including the 6,900 in the public schools of the Five Civilized Tribes) in the public schools of the country. The policy of the Indian Office to, so far as practicable, "make the course of study for each Indian school conform to the course of study adopted by the State or county in which it is situated" is a step in the right direction, as is the increase in the amount of elementary instruction in agriculture and in the arts and trades. And we regard as a hopeful experiment the recent division of the school field into six supervisory districts with a supervisor in charge of each.

The matter of schools for the Navaho urgently demands attention. Although the habits of this people make the establishment of a system of day schools almost impossible, education of their children should in some way be provided. Boarding-school accommodations for them should be created and existing boarding schools, so situated in latitude and climate as to be desirable places for Navaho children, should have their vacancies filled by the admission of Navaho pupils.

Respectfully submitted.

ANDREW S. DRAPER, *Chairman*.
ALBERT K. SMILEY.
MERRILL E. GATES.
WILLIAM D. WALKER.
GEORGE VAUX, JR.
MICHAEL E. BANNIN.
WARREN K. MOOREHEAD.
SAMUEL A. ELIOT.
JAMES GIBBONS.
FRANK KNOX.

To the SECRETARY OF THE INTERIOR.

APPENDIX.

THE BOARD OF INDIAN COMMISSIONERS.

MEMBERS.

ANDREW S. DRAPER, chairman	Albany, N. Y.
ALBERT K. SMILEY	Mohonk Lake, N. Y.
MERRILL E. GATES	1309 Rhode Island Avenue, Washington, D. C.
WILLIAM D. WALKER	Buffalo, N. Y.
GEORGE VAUX, JR.	1421 Chestnut Street, Philadelphia, Pa.
MICHAEL E. BANNIN	55 Montgomery Place, Brooklyn, N. Y.
WARREN K. MOOREHEAD	Andover, Mass.
SAMUEL A. ELIOT	25 Bacon Street, Boston, Mass.
JAMES GIBBONS	Baltimore, Md.
FRANK KNOX	Sault Ste. Marie, Mich.

SECRETARY.

H. C. PHILLIPS, board of Indian commissioners, Washington, D. C.

ORGANIZATION AND DUTIES OF THE BOARD OF INDIAN COMMISSIONERS.

The board of Indian commissioners was created in 1869. Its members serve without salary, and maintain an office in Washington, for the expenses of which and of travel Congress has made special or annual appropriations. Although the board reports to the Secretary of the Interior, it is not a bureau or division of the Interior Department, but rather a body of private citizens appointed by the President, purposely kept reasonably free from governmental control, debarred from salaries, and afforded opportunities for investigation in order that they may freely express an intelligent and impartial opinion on matters pertaining to Indian administration. The origin and functions of the board are defined in the following excerpts:

ACT OF APRIL 10, 1869 (16 STAT., 40).

* * * * *

And be it further enacted, That there be appropriated the further sum of two millions of dollars, or so much thereof as may be necessary, to enable the President to maintain the peace among and with the various tribes, bands, and parties of Indians, and to promote civilization among said Indians, bring them, where practicable, upon reservations, relieve their necessities, and encourage their efforts at self-support; a report of all expenditures under this appropriation to be made in detail to Congress in December next; and for the purpose of enabling the President to execute the powers conferred by this act, he is hereby authorized, at his discretion, to organize a board of commissioners, to consist of not more than ten persons, to be selected by him from men eminent for their intelligence and philanthropy, to serve without pecuniary compensation, who may, under his direction, exercise joint control with the Secretary of the Interior over the disbursement of the appropriations made by this act or any part thereof that the President may designate; and to pay the necessary expenses of transportation, subsistence, and clerk hire of said commissioners actually engaged in said service, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of twenty-five thousand dollars, or so much thereof as may be necessary.

EXECUTIVE ORDER OF JUNE 3, 1869.

EXECUTIVE MANSION,
Washington, D. C., June 3, 1869.

A commission of citizens having been appointed, under the authority of law, to cooperate with the administrative departments in the management of Indian affairs * * * the following regulations will, till further directions, control the action of said commission and the Bureau of Indian Affairs in matters coming under their joint supervision:

The commission will make its own organization and employ its own clerical assistants * * *.

The commission shall be furnished with full opportunity to inspect the records of the Indian Office and to obtain full information as to the conduct of all parts of the affairs thereof.

They shall have full power to inspect, in person or by subcommittee, the various Indian superintendencies and agencies in the Indian country * * *.

They are authorized to be present, in person or by subcommittee, at purchases of goods for Indian purposes, and inspect said purchases, advising with the Commissioner of Indian Affairs with regard thereto.

Whenever they shall deem it necessary or advisable that instructions of superintendents or agents be changed or modified, they will communicate such advice, through the office of the Commissioner of Indian Affairs, to the Secretary of the Interior; and, in like manner, their advice as to changes in modes of purchasing goods or conducting the affairs of the Indian Bureau proper. Complaints against superintendents or agents or other officers will, in the same manner, be forwarded to the Indian Bureau or Department of the Interior for action.

The commission will, at their board meetings, determine upon the recommendations to be made as to the plans of civilizing or dealing with the Indians, and submit the same for action in the manner above indicated; and all plans involving the expenditure of public money will be acted upon by the Executive or the Secretary of the Interior before expenditure is made under the same.

* * * * *

All the officers of the Government connected with the Indian Service are enjoined to afford every facility and opportunity to said commission and their subcommittees in the performance of their duties, and to give the most respectful heed to their advice within the limits of such officers' positive instructions from their superiors; to allow such commissioners full access to their records and accounts, and to cooperate with them in the most earnest manner, to the extent of their proper powers, in the general work of civilizing the Indians, protecting them in their legal rights, and stimulating them to become industrious citizens in permanent homes, instead of following a roving and savage life.

The commission will keep such records or minutes of their proceedings as may be necessary to afford evidence of their action, and will provide for the manner in which their communications with and advice to the Government shall be made and authenticated.

U. S. GRANT.

REVISED STATUTES OF THE UNITED STATES.

SEC. 2039. There shall be a board of Indian commissioners, composed of not more than 10 persons, appointed by the President solely, from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation. (Apr. 10, 1869, 16 Stat., 40.)

SEC. 2041. The board of commissioners mentioned in section two thousand and thirty-nine shall supervise all expenditures of money appropriated for the benefit of Indians within the limits of the United States; and shall inspect all goods purchased for Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult the commission in making purchases of such goods. (July 15, 1870, 16 Stat., 360.)

SEC. 2042. Any member of the board of Indian commissioners is empowered to investigate all contracts, expenditures, and accounts in connection with the Indian Service, and shall have access to all books and papers relating thereto in any Government office; but the examination of vouchers and accounts by the executive committee of said board shall not be a prerequisite of payment. (May 29, 1872, 17 Stat., 186.)

ACT OF MAY 17, 1882 (22 STAT., 701).

* * * * *

And hereafter the commission shall only have power to visit and inspect agencies and other branches of the Indian Service, and to inspect goods purchased for said service, and the Commissioner of Indian Affairs shall consult with the commission in the purchase of supplies. The commission shall report their doings to the Secretary of the Interior.

* * * * *

OCTOBER 23, 1912.

MEMORANDUM CONCERNING RECOMMENDATION OF APPROPRIATION OF \$10,000 FOR
BOARD OF INDIAN COMMISSIONERS, 1914.

On October 2, 1912, Acting Indian Commissioner F. H. Abbott asked the secretary of the board to go over with him a memorandum he had prepared for Assistant Secretary Adams, of the Interior Department, in justification of a recommendation proposed by him (Mr. Abbott) for inclusion in the department's estimates to Congress of \$10,000 for the expenses of the Board of Indian Commissioners. It appears that in preparing his memorandum he had not been aware of the executive order of 1869 and of certain later legislation which materially affected his argument. Accordingly, on the following morning, at a second conference on the subject, a new memorandum (a combination of portions of Mr. Abbott's document and of a memorandum prepared by the secretary of the board) was drawn up.

Later in the afternoon of October 3 Mr. Abbott telephoned that the memorandum had been presented to Secretary Adams; that it had received his approval; and that an appropriation of \$10,000 would be recommended to Congress.

A carbon copy of the final memorandum as presented to Mr. Adams is attached.

OCTOBER 3, 1912.

MEMORANDUM FOR SECRETARY ADAMS.

In justification of the estimate of \$10,000 for the use of the Board of Indian Commissioners for the fiscal year 1914, the following is respectfully submitted:

The Board of Indian Commissioners, created in 1869, is unique in being probably the only commissioned body in the United States whose members draw no salaries. Its status is also unique in that it is not a bureau or division of any department and that its members are "appointed by the President solely from men eminent for their intelligence and philanthropy." Its purpose, as stated by Congress in the act of April 10, 1869 (16 Stat., 40), was that "of enabling the President" to carry out the then new peace policy of dealing with the Indians. Its original duty, as defined by Executive order of June 3, 1869, was, in brief:

"To 'determine upon the recommendations to be made as to the plans of civilizing or dealing with the Indians, and submit the same for action,' subject to approval 'by the Executive or the Secretary of the Interior'; to communicate 'advice as to changes in modes of purchasing goods or conducting the affairs of the Indian Bureau,' and, if necessary, to file complaints against officers in the Indian Service."

The obvious intent of these unusual provisions was the creation of an advisory body, having the sanction of the Government and yet reasonably free from governmental restraint or influence, with the right and duty of forming and expressing an impartial opinion on Indian Affairs, thereby assisting the administration to guard against the great danger of error, fraud, and injustice to which Indian administration is peculiarly exposed. This has always been the chief function of the board and the source of most of its public service.

That the board might properly carry out this duty it was given broad powers, including:

1. "To inspect the records of the Indian Office and to obtain full information as to the conduct of all parts of the affairs thereof."
2. "To inspect in person or by subcommittee the various Indian superintendencies and agencies in the Indian country."

3. "To be present in person or by subcommittee at purchases of goods for Indian purposes and inspect said purchases, advising with the Commissioner of Indian Affairs with regard thereto."

4. To "provide for the manner in which their communications with and advice to the Government shall be made and authenticated."

Congress also, between 1870 and 1872 (Rev. Stat., secs. 2041, 2042), imposed on the board the strenuous additional duty of supervising all expenditures of money appropriated for Indian purposes and gave it the power to investigate all contracts, expenditures, and accounts in connection with the Indian Service. When the great amount of clerical work thus involved seemed unnecessary Congress passed the act of May 17, 1882 (22 Stat., 70), which reads, in part:

"And hereafter the commission shall only have power to visit and inspect agencies and other branches of the Indian Service, and to inspect goods purchased for said service, and the Commissioner of Indian Affairs shall consult with the commission in the purchase of supplies. The commission shall report their doings to the Secretary of the Interior."

This act doubtless restored the status of the board under the Executive order of June 3, 1869, and the act of July 15, 1870 (16 Stat., 360), with the following two principal duties:

1. To determine upon and make recommendations as to methods of dealing with the Indians and of conducting the affairs of the Indian Bureau, visiting branches of the Indian Service to secure information.

2. To cooperate with the Commissioner of Indian Affairs in the purchase of supplies.

That this interpretation was contemplated in the act of May 17, 1882, and is correct seems apparent because:

1. The act also appropriated \$4,700 and specifically directed that \$3,200 should be used for secretary's salary and office expenses and \$1,500 for travel.

Congress could hardly consider the maintenance of an office at an expense of \$3,200 necessary to direct an expenditure of \$1,500 for the single purpose of inspecting Indian supplies.

2. The sweeping "power to visit and inspect agencies and other branches of the Indian Service" would seem to imply something beyond mere inspection of goods.

3. Congress, since 1882, has made repeated appropriations for the expenses of the board, which has all the time been acting under the liberal interpretation of the act of 1882.

The fundamental idea underlying the board's work and giving value to its recommendations is that of impartiality. It was designed and organized to furnish an impartial viewpoint, with special heed to the prevention of injustice and the recommendation of progressive measures. Its best work has been along that line. Its unsalaried members, as disinterested parties, are bound to take into consideration divergent views regarding Indian matters. This necessitates the maintenance of an office which must keep in close touch with Indian legislation and administration and with the lines of thought represented by missionary and philanthropic societies and by private individuals interested in the Indians. The scattered residences of the members make such an office indispensable as a medium of communication and action. It is necessary that the board hold annually at least two meetings. It is equally important that one or more members make frequent trips to portions of the Indian field in order that the board may have the benefit of first-hand observation and knowledge.

It is self-evident that an annual appropriation of \$4,000 gives this board little more than sufficient to pay the salary of its secretary and office expenses. Under these circumstances the board has been unable to properly perform its duty of visiting and inspecting branches of the Indian Service and of making recommendations with regard thereto.

It is obvious that this board, if it is to perform in any proper measure the functions imposed upon it by law, should be given sufficient appropriation for the performance of these functions.

In my judgment there is much important and useful service which this board could render to the President and to the Indian Service, for which ample appropriation should be made. Many questions arise in the conduct of Indian affairs which are difficult for the Secretary of the Interior or the Commissioner of Indian Affairs to investigate and pass upon with a finality which satisfies all interested parties. For instance, in such cases as White Earth, the Pueblo situation, the question of district agents for the Five Tribes, which have attracted wide public interest and been the subject of appeal to the President, the

Board of Indian Commissioners, composed of men serving without salary and eminent for their intelligence and philanthropy, if it had the means of making independent investigations, as was clearly intended as its chief duty, would be able to make a finding that would be of the greatest assistance to the President, and which, because of the character and disinterestedness of those making the investigation, would be accepted by the public generally as final. When note is taken of the large amount of money expended in investigation and reinvestigation in such cases as the Crow and Pueblo situation, it is very evident that it would have been wise economy to have paid the expenses of an investigating committee from the Board of Indian Commissioners, which investigation, in the nature of things, would have been accepted as final. I am strongly convinced that in this way alone the Board of Indian Commissioners would be able to save each year for the Interior Department in cost of investigations more than the \$10,000 estimated, besides enabling the Board of Indian Commissioners to carry out the purpose of its creation by Congress.

(Signed)

F. H. ABBOTT,
Acting Commissioner.

ANDOVER, MASS., *February 23, 1914.*

Hon. Senator JOE T. ROBINSON,
Washington, D. C.

MY DEAR SENATOR ROBINSON: I was very sorry that you were so busy that you could not have a little chat with me while I was in Washington. As I wrote you previously, I inaugurated the commission idea several years ago, and succeeded in having it put in the Lake Mohonk platform last October. I think, however, if you will pardon me, that there should be five or seven, instead of three. A commission of three, with the control in the Indian Office, will mean political domination—the very thing we should avoid. Also, that while the Commissioner of Indian Affairs should be chairman, the other four members should serve as equals.

I desire to call your attention to the unpleasant fact that the several persons and organizations having the welfare of the Indian at heart are not in accord, and through their attacks on the secretary of our board they are, in my humble opinion, playing directly into the hands of the grafters. If there are charges against our secretary, they should be made public and heard in the proper manner.

The past six years I have accumulated a great deal of evidence with reference to our management of Indian affairs and I have always avoided personalities. It seems unfortunate that there should be any feeling and that the good cause for which we are striving should be placed in jeopardy.

If your committee desires at any time to hear my evidence or statements, I shall be glad to come and appear before you. During our spring vacation, March 27–April 7, I could leave here and come to Washington any day or days during that period you might name.

Very sincerely, yours,

WARREN K. MOOREHEAD.

DEPARTMENT OF THE INTERIOR,
BOARD OF INDIAN COMMISSIONERS,
Washington, D. C., March 2, 1914.

MY DEAR SENATOR: Complying with a resolution adopted by the Board of Indian Commissioners at its last regular annual meeting, I take pleasure in transmitting herewith, for your information, copy of a resolution, expressing the board's interpretation of its authority, functions, and duties under existing law.

Cordially, yours,

F. H. ABBOTT, *Secretary.*

Hon. JOE T. ROBINSON,
*Committee on Indian Affairs, United States Senate,
United States Capitol, Washington, D. C.*

Whereas there is frequent inquiry as to the functions, duties, and authority of the Board of Indian Commissioners and the laws and Executive orders under which it is constituted and acting: Therefore be it

Resolved, That the following statement be, and is, accepted as the board's interpretation of its powers and duties under existing law:

The act of May 17, 1883 (33 Stat., 70), the last act of Congress relating to the duties of the Board of Indian Commissioners, provides:

"And hereafter the commission shall only have power to visit and inspect agencies and other branches of the Indian Service, and to inspect goods purchased for said service, and the Commissioner of Indian Affairs shall consult with the commission in the purchase of supplies. The commission shall report their doings to the Secretary of the Interior."

The primary purpose of this act was doubtless to relieve the board of the responsibility of supervising "expenditures of money appropriated for the benefit of Indians within the limits of the United States," a duty specifically imposed by the act of July 15, 1870 (16 Stat., 360), and to reserve in the board the duties imposed by the act of April 10, 1869 (Stat., 40), and the act of May 29, 1872 (17 Stat., 156).

The act of April 10, 1869 (16 Stat., 40), carried an appropriation of \$2,000,000:

"To enable the President to maintain peace among and with the various tribes, bands, and parties of Indians, and to promote civilization among the said Indians, bring them, where practicable, on reservations, relieve their necessities, and encourage their efforts at self-support, * * * and for the purpose of enabling the President to execute the powers conferred by this act, he is hereby authorized, at his discretion, to organize a board of Indian commissioners, to consist of not more than ten persons, to be selected by him from men eminent for their intelligence and philanthropy, to serve without pecuniary compensation, who may, under his direction, exercise joint control with the Secretary of the Interior over the disbursement of the appropriations made by this act or any part thereof that the President may designate."

The act of May 20, 1872 (17 Stat., 156), provides:

"The Board of Indian Commissioners is empowered to investigate all contracts, expenditures, and accounts in connection with the Indian Service, and shall have access to all books and papers relating thereto in any Government office."

In retaining in the board all the authority vested in it by earlier acts of Congress relating to visitation and inspection of Indian agencies and other branches of the Indian Service, the act of May 17, 1882, above quoted, necessarily left remaining in full force and effect all the provisions of the Executive order of June 3, 1869, setting forth the authority and duties of the members of the Board of Indian Commissioners not inconsistent with the provisions of the said act of May 17, 1882. In other words, all the duties and functions of the board set forth in the Executive order of June 3, 1869, relating to the visitation and inspection of agencies and other branches of the Indian Service and the inspection and purchase of goods are still in full force and effect, and will continue to be so until altered or modified by a subsequent Executive order.

The paragraphs of the Executive order of June 3, 1869, therefore, which are still in full force and effect and binding upon all departments of the Government, are as follows:

"The following regulations will, till further directions, control the action of said commission and the Bureau of Indian Affairs in matters coming under their joint supervision:

"First. The commission will make its own organization and employ its own clerical assistants.

"Second. The commission shall be furnished with full opportunity to inspect the records of the Indian Office, and to obtain full information as to the conduct of all parts of the affairs thereof.

"Third. They shall have full power to inspect, in person, or by subcommittee the various Indian superintendents and agencies in the Indian country.

"Fourth. They are authorized to be present in person or by subcommittees at purchases of goods for Indian purposes, and inspect said purchases, advising with the Commissioner of Indian Affairs with regard thereto. 'And it shall be the duty of the Commissioner of Indian Affairs to consult the commission in making purchases of such goods.' (Act of July 13, 1870, Stat., 360.)

"Whenever they shall deem it necessary or advisable that instructions of superintendents or agents be changed or modified, they will communicate such advice, through the office of the Commissioner of Indian Affairs, to the Secretary of the Interior, and, in like manner, their advice as to changes in mode of purchasing goods or conducting the affairs of the Indian Bureau proper. Complaints against superintendents or agents to other officers will, in the same manner, be forwarded to the Indian Bureau or Department of the Interior for action.

"The commission will, at their board meetings, determine upon recommendations to be made as to the plans of civilizing or dealing with the Indians, and submit the same for action in the manner above indicated.

"7. All the officers of the Government connected with the Indian Service are enjoined to afford every facility and opportunity to said commissioners and their subcommittees in the performance of their duties, and to give the most respectful heed to their advice within the limits of such officers' positive instructions from their superiors, to allow such commissioners full access to their records and accounts and to cooperate with them in the most earnest manner, to the extent of their proper powers, in the general work of civilizing the Indians, protecting them in their legal rights, and stimulating them to become industrious citizens in permanent homes instead of following a roving and savage life.

"8. The commission will keep such records or minutes of their proceedings as may be necessary to afford evidence of their action, and will provide for the manner in which their communications with and advice to the Government shall be made and authenticated."

Executive Mansion, Washington, D. C., June 3, 1869.

(Signed)

U. S. GRANT.

And, to the end that the work of this board may be carried forward with the fullest understanding and harmony and in the spirit of strict cooperation with the Department of the Interior, the Indian Office, and with Congress, be it further resolved that a copy of this resolution be transmitted to the Secretary of the Interior, the Commissioner of Indian Affairs, and to each and every member of the House and Senate Committees on Indian Affairs.

ANDOVER, MASS., March 21, 1914.

Hon. JOE T. ROBINSON,

U. S. Senate, Washington, D. C.

MY DEAR SENATOR ROBINSON: I hadd you copy of my letter to Hon. Senator Stephens. Some one in Washington must have given Senator Stephens a wrong conception of my work. I have no desire to write such letters, but as the honorable Senator has unjustly and unkindly attacked me, and as the attack indicates that his informant has shown him but one side of the question, I have prepared the inclosed reply.

Very sincerely, yours,

WARREN K. MOOREHEAD.

MARCH 23, 1914.

Hon. WARREN K. MOOREHEAD,

Andover, Mass.

MY DEAR SIR: I am in receipt of your letter inclosing copy of communication addressed to Congressman John H. Stephens, and thank you for calling my attention to the matter.

With personal regards, I am,

Yours, truly,

JOE T. ROBINSON, *Chairman.*

MARCH 21, 1914.

Hon. JOHN H. STEPHENS,

United States Senate, Washington, D. C.

DEAR SIR: Under your frank I have received a copy of the Congressional Record dated February 20. This contains a speech made by you on February 20 in the United States Senate regarding the Board of Indian Commissioners.

I take it for granted that you, as United States Senator, wish to be fair and just in your statements. This in mind, I desire to call your attention to the fact that you have done me a great injustice.

A careful search of the records of my work the past 30 years will acquaint you with the fact that I am a scientist and have never been engaged in politics of any description whatsoever. That I have, over my own signature, for a number of years criticized the Indian policy of our Government and have not criticized the present administration, as you intimate, but previous administrations. That all these criticisms have been made in a gentlemanly manner and

never aimed at individuals. The criticisms aimed at individuals have been those made in the Congress of the United States the past year or two against our board and against myself. The Record presents the speeches.

I call your attention to the fact that all the statements made over my signature have not been challenged. I mean by this that specific instances of abuse, of incompetency, of swindle, or graft which have been pointed out by me as occurring in Oklahoma and Minnesota have never been challenged, for the reason that all of my specific references are based on court records, Government records, individual records, and personal investigations.

Mr. Abbott has never inspired my work, as you seem to think. He is not my "near Republican associate," for I am not, as you would have it, a Republican. In fact, until recently I frequently expressed opposite views from those entertained by Mr. Abbott, and when he was acting commissioner I sometimes opposed certain of his views. Politics have never entered either into my work or that of our board. We have never, I repeat, discussed politics, and most of us do not know the political preferences of the other members.

A careful reading of my original Oklahoma report on your part will indicate that I not only did not utter untrue statements, but that the Secretary of the Interior never intimated that the statements were untrue. All I said was that the addresses in Congress showed that the Oklahoma delegation in Congress has not been active in the past in protecting the Indians of that State. The records show that the Mott report focused the attention of the United States on the problem, and then, and not before then, did Congress do what it should have done long ago to save the Five Civilized Tribes.

I have been to Washington twice the past 18 months. I appeared before your honorable Senate committee in February of this year. I had with me extracts from the Congressional Record and other documents proving all of my contentions. You were present at that meeting. I have never been summoned to testify before your committee. I have been attacked during my absence and never had opportunity to present the facts in the case. In view of the freedom of speech enjoyed by all American citizens, I desire to protest against unjust and untrue attacks upon one whose only purpose is to point out the present deplorable situation obtaining among our Indians and to suggest reforms for relief.

The commission idea, to which you refer, was proposed before the Lake Mohonk conference, elaborated there, and voted into the Lake Mohonk platform. It was not aimed at the present Commissioner of Indian Affairs. On the contrary, he is a friend of mine, and I approve of what he is doing. The present bill advocating a commission of three is not my idea. A commission of three, with the control in the Indian Office, will not save the Indian. There should be a commission of five or seven, if not nine. And these men should enjoy unlimited power and authority, and should be men who are not and never have been engaged in politics, with the possible sole exception of Hon. Cato Sells, whom we all know is not primarily in politics.

Very truly, yours,

WARREN K. MOOREHEAD.

MENOMINEE INDIAN RESERVATION
SERIAL ONE

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE
CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS

SECOND SESSION

TO

INVESTIGATE INDIAN AFFAIRS

FEBRUARY 21, 1914

PART 8

Printed for the use of the Joint Commission



WASHINGTON
GOVERNMENT PRINTING OFFICE
1914

CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.

HARRY LANE, Oregon.

CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEPHENS, Texas.

CHARLES D. CARTER, Oklahoma.

CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.

ROSS WILLIAMS, Arkansas, *Clerk*.

MENOMINEE INDIAN RESERVATION.

SATURDAY, FEBRUARY 21, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The commission met at 2 o'clock p. m. in the office of the Senate Committee on Indian Affairs.

Present: Senators Robinson (chairman), Lane, and Townsend; Representatives Stephens and Carter.

The CHAIRMAN. The chairman of the joint commission was informed that Mr. Kershaw and Mr. Robert Hamilton were in the city and desired to make some statements in connection with certain Indian reservations. Congressmen Konop and Stafford are also present. Mr. Konop, did you desire to make a statement?

STATEMENT OF HON. THOMAS F. KONOP, MEMBER OF CONGRESS FROM WISCONSIN.

Mr. KONOP. I will make a very brief introductory statement.

The CHAIRMAN. We will be glad to hear such statements as the Congressmen have to make.

Mr. KONOP. Mr. Chairman and gentlemen of the commission, I have not paid much attention to this matter very lately, but some time ago I forwarded to the chairman and to the commission a statement that I received from Mr. Abbott, who was then Assistant Commissioner of Indian Affairs. I have heard so many complaints from the Indians and from white men, by letters, who know of the conditions around Neopit, and because of these complaints I wrote a letter to the assistant commissioner, Mr. Abbott, asking him for a financial statement of the milling operations there, and Mr. Abbott sent me a financial statement, which I filed with your commission, and I then, upon examination of the statement, wrote him a letter, a copy of which I also filed. From the statements it appears that 33,713,940 feet of lumber were cut.

The CHAIRMAN. During what period?

Mr. KONOP. During the year. I suppose it gives that in the statement here. It says from July 1, 1912, to June 30, 1913.

I told Mr. Abbott that if those 33,713,940 feet of lumber had been sold in logs at a small sum of \$10 per thousand, that that of itself would net to the Indians \$337,139.40. I told him I wanted him to specify whether or not in the figures that were submitted by Mr. Nicholson to the department and figures that he submitted to me anything was allowed for the raw material, that is, whether the Government made an allowance for that. They saw the logs up into lumber and they sell the lumber, and they say so much are the receipts over the disbursements, and I wanted to know whether any allowance was made for the raw material that was being sawed up.

Well, Mr. Abbott never answered me. I talked to him over the phone one day, and he said he did not know. Now, he had been Commissioner of Indian Affairs. I also wanted to know whether any percentage was allowed for the depreciation of the plant, any interest on the investment that was made by the Government, because I thought as a business proposition the Indians were entitled to know, and that Congress and the department were entitled to know whether anything is allowed for the raw material, for the interest on the investment, and for depreciation of the plant.

Senator TOWNSEND. By "raw material" you mean timber?

Mr. KONOP. The timber that is cut. The figures that are submitted simply say so much are the receipts over the disbursements, not stating whether or not anything is allowed for the raw material in the disbursements or whether or not anything is allowed for depreciation of the plant, which everybody knows and every business man knows depreciates. They simply state a sum of money as representing receipts over disbursements. I have never been able to secure this information from the department. Mr. Abbott wrote to me that he had taken the matter up with Superintendent Nicholson, but since that time I have not heard anything about it.

The CHAIRMAN. When did you last communicate with him about this matter?

Mr. KONOP. By writing?

The CHAIRMAN. No, in any way?

Mr. KONOP. I called him up by telephone and asked him, since he has left the office of Commissioner of Indian Affairs, and I at one time told Mr. Abbott that I could not believe that that plant was paying. He always maintained that it was paying. I said it would have to be shown to me by figures that it was a paying business proposition, and that the Indians were making anything out of it. I told him that I thought this choice timber was being cut, run through the mill, sawed up, with no returns to the Indians, and the statement also shows that the Indians are getting \$29.70 per month for wages. Relative to that, if it did not include board for the Indians working at the sawmill, those wages were unreasonably low, and if that was all the expense that they had for labor at the mill I thought there was more loss going on because of that. I personally know nothing about this. I have gone through the plant, while going from Langlade to Shawano County, and I did not have any time to stop and investigate for myself. The only thing I think that this commission ought to investigate is to find out whether the Indians are making anything or losing anything. There has been in the neighborhood of \$1,300,000 put into the plant, and the Indians are out that much money. That plant has been running six or seven years, and there have been no returns. The fund is not being replenished; the mill property is depreciating. If we can not make any money by running the mill we should stop it. Whether there is something wrong with the management or not, I do not know.

The CHAIRMAN. One feature of the enterprise you do not seem to take into consideration is the fact that that mill was designed as a demonstration plant, to teach the Indians the industry and to enable the department to determine the practicability of instructing them in conducting enterprises of that sort. Have you made any personal

investigation into the character of the work that is being done in that particular?

Mr. KONOP. No; I have not.

The CHAIRMAN. You do not know anything about whether the Indians take readily to that kind of employment or how many are employed, I presume?

Mr. KONOP. Well, I have received letters off and on from different Indians and white men, stating that white men were being employed there, and some of the Indians say they can not get a job.

The CHAIRMAN. Did you receive letters of that character from Indians who claimed they are ready and willing and able to do the work?

Mr. KONOP. I have received such letters, and I do not know whether I filed them with the commission. I have been going through these papers very hurriedly—I have had about 15 minutes to take up this correspondence—and I do not know whether you have them in your files, but there have been such letters sent in a statement in relation to the Neopit operations.

The CHAIRMAN. Are you familiar with the manner in which the agency disposes of the products of the mill—the lumber?

Mr. KONOP. No; I am not.

The CHAIRMAN. The statement has been made to the commission that it occasions a loss of \$60,000 a year, the present law requiring that the products be sold at public auction, and that if that practice were abandoned and a different plan of selling the lumber was adopted that it would amount to a difference of \$60,000 a year at that saw mill; and I was curious to know whether you had looked into that phase of it.

Mr. KONOP. No; I had not investigated that matter.

The CHAIRMAN. Is there extensive feeling in that section in opposition to this enterprise from competing institutions? Do you know anything about that?

Mr. KONOP. I do not know. The only thing that I know is that I have been in one corner of my district during the campaign, and I met a Mr. Fish, I think it was—I do not know whether he would have any interest at all in the management of the plant—but he said he was over there, visited the plant, and he thought it was a "big joke"; that is what he said to me.

Senator TOWNSEND. Was he a lumberman?

Mr. KONOP. He is a lumberman; he has a mill at a place the name of which I can not think of; and I have heard statements from loggers off and on as I run across them.

The CHAIRMAN. Do you mean the manner in which the mill is conducted?

Mr. KONOP. Well, yes; and I have a letter right here from a Mr. Crabtree. I will quote to you some parts of it.

Senator TOWNSEND. Who is Mr. Crabtree?

Mr. KONOP. Mr. Crabtree is a business man who lives at Crandon, Wis. To the best of my knowledge, I do not think he is interested in the lumbering operations; and he wrote as follows, after I had sent him the statement that I received from the Indian Bureau:

I have yours of a recent date inclosing the documents in regard to the affairs of the Menominee Indian Reservation mill operations at Neopit, for which I thank you. The Neopit balance sheet and report of the cash on hand disclose what I expected to

be the case—a continuing great waste in the cutting and milling of the splendid timber there that, except for the common inefficiency of almost any Government operation in any line of business, is unaccountable.

No doubt this will show a little more profit from now on for a short time, while the best of the timber is being cut, and then when the time comes that the picking up of lower grade timber and more expensive logging operations come on, the outgo will begin to exceed the income, as it did in the first few years of the work there; and the wind-up of the operations there will see nearly all of the Indians' cash go out with their timber. With the wind-up of the logging and milling operations will come the deterioration of the expensive plant to nothing, as by the time they finish sawing there the whole mill plant will not sell for \$10,000.

That is the way he writes.

The CHAIRMAN. Are you personally acquainted with the man who wrote that letter?

Mr. KONOP. Yes; I know Mr. Crabtree.

The CHAIRMAN. What is his business?

Mr. KONOP. He lives up at Crandon; I have met him three or four times. I could not tell you what business he is in.

The CHAIRMAN. Do you know how he comes to take up the matter—what prompts him to do it?

Mr. KONOP. No; I do not. He wrote a book on this subject, relating to the Government operations over at Neopit, in a little volume called Way Back Club, and he told me he was going to get out a new edition of the book, so he wanted this information. I procured the information from the Indian Bureau and sent it to him, and this is the way he writes. I do not know whether he knows anything about the figures, but he must know something.

The CHAIRMAN. A member of the Board of Indian Commissioners, Mr. Ayer, was assigned by that body to make an investigation of the Menominee Reservation sawmills, and in an elaborate statement to this commission, and in a report which I believe has been submitted to the department, if I remember correctly, he states that save in one or two particulars the enterprise is conducted in a very satisfactory and efficient manner. He does, however, claim that the manner of disposing of the products of the mill occasions the loss which I have before referred to, of about \$60,000 a year, and he also referred to some waste that was being practiced there. In that connection he was questioned about the employment of Indians in the mill, and he stated that all the Indians who were willing to work were given employment in preference to the white persons, and stated that he made some investigations as to that proposition. I think I have quoted him about correctly.

Senator TOWNSEND. I think so.

Mr. KONOP. Do you want me to answer any questions relating to this matter?

Senator TOWNSEND. You have made no personal investigation of this matter yourself?

Mr. KONOP. No personal investigation whatever. The only thing I have is complaints, as any Congressman or Senator will receive, relative to the operations of the Government in his district.

Senator TOWNSEND. Is this in your district, or adjacent to your district?

Mr. KONOP. My district is all around it. I have Langlade County to the west and Forest to the north and Oconto County to the east of the Indian reservation—that is, the Menominee Reservation—and I

think that the Menominee Indian Reservation actually is in Shawano County, which county is in Mr. Browne's district.

Senator TOWNSEND. It is possible for you to make an investigation of that personally, is it not?

Mr. KONOP. I suppose it is. I could go up there and see for myself.

Representative STEPHENS. Mr. Konop, are you acquainted with the lumbering business, the value of stumpage, etc., in that country?

Mr. KONOP. Well, I have been brought up right around there, and I know a little about it; I would not be an expert on the proposition.

Representative STEPHENS. What would be your opinion, then, as to the value of the lumber, estimated on the stumpage basis, in that country, per acre?

Mr. KONOP. Per acre?

Representative STEPHENS. Yes.

Mr. KONOP. I could not give you that.

Representative STEPHENS. Then, on what other basis?

Mr. KONOP. I think that timber ought to bring from \$15 to \$20 per thousand.

Senator TOWNSEND. In the forest, you mean?

Senator LANE. From \$15 to \$20 per thousand feet on the stump?

Mr. KONOP. I mean when it is cut—sawed into lumber.

Senator LANE. Logs? Are they worth that up there?

Mr. KONOP. There is very choice timber up there.

Representative STEPHENS. What character of timber is it?

Mr. KONOP. There is pine, and I suppose a lot of hemlock. I have gone through the reservation and saw some of the nicest pines that grow in Wisconsin, and I think there is basswood, and the ordinary timber that grows up in northern Wisconsin.

Representative STEPHENS. Is it the original forest?

Mr. KONOP. Yes; virgin forest.

Representative STEPHENS. You say there would be an advantage in having a Government mill, for the reason that it would furnish the Indians employment. Is it a fact that when lumber is sawed up by contract that it is the duty of the Indian Bureau to see that the Indians are employed in preference to the whites?

Mr. KONOP. Oh, I think that the Indians ought to be given employment in preference to the whites. I have had complaints. A man came to see me personally at my home and complained to me that certain Indians, who were not "in" with the management, that is, with the Indian agent and the superintendent over there, were denied work. Whether that is true or not I do not know; that is a statement of somebody to me, and comes second hand.

Representative STEPHENS. Have you ever had any statements made of that character directly by the Indians? You said that they had been discriminating against them in that way.

Mr. KONOP. I think I could even find letters, if I had time, to that effect.

Representative STEPHENS. That they had been discriminated against in the matter of employment?

Mr. KONOP. But I could not charge it positively, nor could I prove it except by hearsay or secondary evidence.

I am not opposed to the Government going into that business—I do not know anything about it—but to my mind, and I think the

mind of any business man, it must appear that if this Indian fund, this money of the Menominee Indians, that has been put into that mill can not be replaced by the sale of the best timber that ever grew on God's green earth, we had better quit.

The CHAIRMAN. In other words, you think that the demonstration is not successful?

Mr. KONOP. Well, I do not know; from the figures it appears to me that it is not successful.

The CHAIRMAN. Have you any further statements you wish to make?

Mr. KONOP. No; unless you wish to ask any more questions.

I have here a lot of letters and copies of letters, which I can leave with you.

The CHAIRMAN. I will go through them. I do not care to insert them in the record; are they from the department?

Mr. KONOP. No. I think there are some copies of letters from individual Indians.

Senator TOWNSEND. Is it not something you could do that would be of real value to us—find out the facts in this case? You seem to have no facts, except some letters.

Mr. KONOP. Letters and statements that are made to me.

Senator TOWNSEND. We have testimony from the men who are there on the ground, and the commission would like, and what it is entitled to have, any information to the contrary that is a fact. Since it is in your district, it seems to me you could find out some of these things, if you want to submit them to the commission, that would have the force and effect of testimony.

Mr. KONOP. Well, I suppose that if I went up there and personally investigated I could. What I really think this commission ought to do is to go out there and see for itself.

The CHAIRMAN. We will probably do that when we can.

Mr. KONOP. That is really my purpose in submitting these things which have come to me from other people, to try to induce this commission to go out there and see for themselves.

The CHAIRMAN. You said you had a conversation with Mr. Abbott, I believe, in addition to some correspondence with him. Did he change his mind about the effectiveness of this demonstration sawmill?

Mr. KONOP. This is the conversation with Mr. Abbott. I used to go down there when I would get a complaint and talk matters over with him, as a member of the Indian Affairs Committee would do, and I would always insist that from what I knew, and from what I could gather from the figures, that I did not think the proposition was a paying proposition, and that this timber of the Indians was being wasted, and that after the good timber was gone the Indians would not have money and they would not have the timber, and he said, "I think you are mistaken," and I wrote him this letter to obtain the figures. After I obtained the figures I wrote him another letter. He states in reply that he thought something was allowed in the statement for the logs that were being cut, although there is no particularization of that, and so I talked to him one day and he said, "I do not know whether it is a paying proposition or not."

The CHAIRMAN. Congressman Stafford is also present. We would be glad to hear from him.

STATEMENT OF HON. WILLIAM H. STAFFORD, MEMBER OF CONGRESS FROM WISCONSIN.

Representative STAFFORD. Mr. Chairman and gentlemen, my main purpose in coming here this afternoon was to accompany my friend, Mr. W. J. Kershaw, a practicing attorney in Milwaukee, who is also a Menominee Indian on his mother's side. He represents, not as a practitioner, but as a friend of the Indians, the Menominees, and wishes to make a statement to your commission.

It may not be amiss, though, since this subject of the operation of the plant at Neopit has been brought up, to furnish to the commission a little personal knowledge that I have concerning the subject. I believe, as I look around me, that all of the members of the commission present were in the House when this subject was under discussion. Congressman Webster Brown, a lumberman, then represented that district. Back in 1904 or 1905 they had a tremendous cyclone through that district that caused the destruction of some eight or ten million feet of timber. Mr. Brown was also a member of the Committee on Indian Affairs, as my colleague, Mr. Konop, is to-day. Various propositions were made during successive sessions to sell this dead and down lumber. Mr. Brown was very desirous of doing something to prevent its waste. It was rotting on the ground. His plan—the plan carried in the Indian appropriation bill met with opposition on the Senate side. Against his protest, this idea was brought forward of creating a Government mill at Neopit as an experiment to ascertain whether the Indians could be given employment and the mill run profitably by cutting not only this dead and down timber but the other timber on the tract.

In 1908, as you remember, I was appointed as a member of the Select Committee on Pulp and Paper Investigation. After the election of that year, in company with Mr. Mann, at the invitation of the Menasha Wooden Ware Co., which owns large tracts of land in that neighborhood, Mr. Mann left Chicago for Milwaukee, and I joined him at Milwaukee for a visit to the Menominee Indian Reservation, to determine the amount of pulp we had that was available in Wisconsin for the purposes of paper manufacture. We arrived at the terminus of this Wisconsin & Northern line, which is the branch railroad running from Shawana up through the Menominee Indian Reservation, on an afternoon, in company with a cruiser, a representative of this Menasha Wooden Ware Co. We went through that tract for two hours, until nightfall and until we were obliged to leave the tract and go over to Langlade, where we stopped that night. There, for the first time, we obtained information of the way they measure timber by taking a central point as the basis, and I may say that though the timber had been once cut over, the white pine had been removed, yet there was very excellent timber standing.

The following day, or the second day afterwards, we went to the office. The plant was just then about being put into operation; in fact, we slept in the Neopit tavern, on beds without pillows the first night the hotel was open, after going through the Menominee Indian Reservation and making an examination of the pulp-wood supply there and also this dead and down timber. It was a regrettable sight to see how 6,000,000 feet of this dead and down timber had rotted. We saw piles of very fine logs averaging in diameter from

18 inches to 2 feet, just rotting there on the banks. We also walked for half a mile on the frozen logs in the Little Wolf River, in order to get as good a personal inspection of the logs as possible. We saw there the building of the Forestry Service, for at that time the plant was under the joint supervision of the Forestry Service and also the Agricultural Department. We saw the building of a branch roadway up to the very extreme limits of the reservation, on a scale that would only be undertaken by the Government, because I can not conceive how any private manufacturer would go to the lavish expenditure of grading like that just to support a railroad for the accommodation of logs. All about us we saw evidences of expenditure of Government funds—or shall I say Indian funds, because these funds come out of the Menominee Indian trust funds. They were adding a very fine establishment for quarters for the officers.

The mill, which was hardly in operation, seemed to be equipped with the most modern machinery. There were suitable quarters for the men that were to be employed. It was expected that the men to be employed would not only be the Indians, but those from the outside who would manage the mill.

Some of the Indians, or leaders among the Indians—I can not now recall who they were—learning that we were there, requested an audience with us. I went down that evening and listened to them, and they said that it was not right for the Government to be spending half a million dollars of their trust funds on this venture; that they feared it would only lead to a further expenditure and that the Indian trust fund would be diminished. I know nothing about the conditions since. I have been endeavoring to ascertain information because of my casual interest by having visited the reservation, but if the policy is to be pursued of cutting down this valuable standing timber as far as available, it goes without saying that the Menominee Indians up there will in a short time be deprived of their best preserves without any return whatsoever. Now, I believe that of the \$3,000,000 or so trust funds of the Menominee Indians, more than \$1,200,000 have been spent to this date. How will it be replenished? You will have a plant there but the timber is cut down. There will not be any use for the mill: there will not be any use for the spur railroad. We all know sufficient about lumbering to understand that.

Senator TOWNSEND. What would you do with that timber?

Representative STAFFORD. I, not being a practical lumber man and nothing more than a city-born and bred person, with the little knowledge I acquired at the time of the pulp and paper investigation after a visit personally to Johnsonburg, Pa., where we saw the best conservation followed in this country, only the mature timber being cut down, leaving the other growing.

I do not know whether the administrative officials up there at Neopit are cutting down and cleaning everything. There are two policies, of course. The private owner goes through and strips off everything, cuts down everything that is suitable for lumber; and the modern conservationist method, such as is followed at Johnsonburg, Pa., is merely to cut down the mature timber, leaving the other growing that will be available in 5 or 10 or 15 years to stand.

Representative CARTER. What is considered mature timber, under the conservation idea?

Mr. STAFFORD. That timber that will bring out a good piece of lumber, something in excess, I should say—I am only speaking off-hand—of 10 or 12 inches in diameter. Of course the way the private lumbermen do is to go right through a tract and strip it entirely, leaving just a few saplings, and then abandon the land for taxes. Of course that is no way for any person who is in favor——

Representative CARTER. They do not cut it less than 10 inches, the private owners?

Mr. STAFFORD. Yes; down as small as 6 inches, I believe. Now, as I say, my only interest is that which was aroused by my having been a member of that commission and my having visited that plant. I am naturally interested in the conservation for the Indians for their resources, and if there is an experiment going on up there I think that these trust funds of the Indians should not be used to depletion, but that an investigation should be made by your commission, and I hope you will have personal opportunity to visit there. My home, as you know, is some 150 or 200 miles removed from the reservation, and I came here this afternoon to present to you Mr. Kershaw, who is the representative of the Menominees themselves, who will address you.

Representative STEPHENS. Do you object to answering an interrogation?

Mr. STAFFORD. No; I shall be delighted to.

Representative STEPHENS. Referring to the statement you made a few minutes ago, that you thought the railroad cost more than railroads usually built in that country for lumbering purposes should cost, what do you mean by that—that there was more miles of railroad?

Mr. STAFFORD. In the first place, Mr. Stephens, I do not know whether the railroad was necessary or not, but I do recall distinctly—because we tramped for 6 miles along the bed of the road paralleling the Little Wolf River—they were grading it on the level, as if it was the foundation for a trunk line, when it was only to be the spur line for conveying the lumber down to the plant in Neopit, some 10 or 12 miles below.

Representative CARTER. It might have been done by a tramway?

Mr. STAFFORD. It might have been done by a tramroad, but instead they were grading, as I recall, the spur there with a bed of about 50 feet, and cutting down very valuable timber, in preparation for a logging road, but which would have been suitable for the grade of a trunk line.

Representative STEPHENS. Do you know the names of the Indians who complained to you?

Mr. STAFFORD. The one who complained most was an elderly Indian. I can not recall his name. He seemed to be the head. But what I wish to emphasize here is that prior to the establishment of this mill the Indians were getting employment on the reservation cutting down the timber, when they felt like working, during the winter months and during the logging season, and they got a return from that timber that was cut down, and only the mature timber was cut out.

Senator TOWNSEND. What was done with the timber?

Mr. STAFFORD. That was sold publicly—sold to private lumbermen. I suppose it went down to the lumbermen at Oshkosh or some of those

large places below—maybe down to Antigo or Shawano. I know we did visit a pulp plant at Ashland.

Our plan by this was to ascertain the available spruce wood and to go right into the woods to see whether there was an adequate pulp-wood supply represented by those Wisconsin forests. It had been said that it was not necessary to take off the duty on pulp wood in this country, because we had an adequate supply, but after our investigation it was shown we did not have, and our position has been approved by the Wisconsin paper manufacturers.

Representative STEPHENS. I understood you to say that at the time they were delivering the timber to private lumbermen that the Indians got employment themselves?

Mr. STAFFORD. Oh, the Indians were employed in cutting down during the winter months, all who wanted to work, and they would go through and cut down only that which was mature, and Indians only were given employment; but, as I understand, more white people have been given employment at that plant than Indians.

Representative STEPHENS. And for that reason the Indians were complaining?

Mr. STAFFORD. As I understand. The plant was just about to start. As I told you, the hotel for the accommodation of outside laborers—ordinary laborers—had just opened that night. Mr. Mann and myself slept in the hotel for the first time, without pillows, but we enjoyed the sleep nevertheless after having walked 20 miles that day; we were ready for good sound sleep.

The CHAIRMAN. I presume, of course, that you have not any detailed information as to the cost of that enterprise and its ancillary instrumentalities, like the railroad?

Mr. STAFFORD. I can not qualify as an expert witness at all; I can only state these general facts.

Representative STEPHENS. When were you there?

Mr. STAFFORD. That was in November, 1908; right after the election.

The CHAIRMAN. We will now be very glad to hear from you, Mr. Kershaw. Will you kindly give the stenographer your full name?

TESTIMONY OF WILLIAM J. KERSHAW, ATTORNEY AT LAW, MILWAUKEE, WIS.

(The witness was duly sworn by the chairman.)

Mr. KERSHAW. My name is William J. Kershaw, of Milwaukee, Wis.

The CHAIRMAN. Just tell us briefly who you are and what interests you have in Indian affairs, especially with respect to the Menominee Reservation.

Mr. KERSHAW. I did not come here to represent the Menominees. I am not their attorney, although I understand they do have an attorney; and I have never undertaken any of their business. I came here on behalf of the Society of American Indians, to do what we could in behalf of a bill known as the Robinson bill. But my mother was a Menominee, and I became interested in the Menominee people through that fact, and I made it a point to go up there and visit them, and I have been going there once in a while for quite a long time, and the only information I get is from my association

with them by going there to their county fair, and talking with them. I stayed there a week a year ago last September.

With reference to this mill proposition, the situation struck me in a little different light from that presented by the gentleman preceding me. It occurred to me, from my observation of the whole situation, that the Indians individually were ultimately going to suffer by that project, although I can not suggest any way of getting out of it now, except to go through it, but here is what I think the commission would find if it went there for an investigation: It would find that the mill project is harvesting the resources of the tribe as a whole, and that the resources of the Indians are not in any way being developed at all. They have a reservation there of very good land. There is no development of the farming enterprises there at all. As near as we could observe, the roads run in a haphazard way around through the reservation, and they have put their cabins here and there and everywhere, without any reservation, but there has been no allotment.

This mill project pays a monthly wage of \$30,000. Outside of that reservation there are four little towns, and I came to the conclusion that those towns were getting every dollar of that money, which would go into the Indian's pocket and go right out again into the white man's store and enterprises in these outside towns; and the result is that the Indian through this operation largely, maybe, because of his own fault—he is kept on the border line of necessity all the time. They never have a dollar or a surplus cent, and they do not develop any farming, and of course that keeps them on the border line of want all the time. They have no resources, and I came to the conclusion that the ultimate result would be that those Indians would wind up with their empty mill on their hands and their railroad, and then Congress or somebody would have to begin to develop the individual resources of the members themselves, and the money, I think, would be all gone. If you were to go there to investigate and get to talking to those Indians—and I think it is the only way you can get the information—you will find many of them are good loggers; they are timber men; they know when timber ought to be moved, when it ought to be put in the river; they know when it is mature and when it ought to be cut, and what part of it can be cut; and I have not any of that information except what I have gathered in these general conversations with them. I spoke to the supervisor there—I have forgotten his name; I think it is Michaels—and I asked what the timber amounted to there. "Well," he says, "there is 1,700,000,000 feet of lumber there. I think they are sawing between 45,000,000 and 50,000,000 feet a year. It is the only really valuable body of timber in the State of Wisconsin." There is another body of timber on the reservation at Ashland, but these Menominees, it seems, have the last tract of valuable timber in the State of Wisconsin. It strikes me that, since most of you are lawyers, it would not take you long to get to the bottom of the situation; and the thing to do, in my judgment, would be to allot the lands to these men and start them going on their farms, with the exception of those townships which contain the timber, and let the Government go on and harvest it. But I do think that you will have to have an accurate survey made of those timbers. You will either have to have your own cruisers or the cruiser of some private contractor, who can estimate the

stumpage and tell you which part of it ought to be harvested now, which part can afford to stand, and it may be possible that when you do get your survey that you will be able to find private contractors will take the enterprise off your hands and carry it through with a profit to the Indians. But I am afraid that the money that comes from it now, if any does come to the Indian, will not ultimately result to the benefit of those Indians or their descendants.

The CHAIRMAN. You have referred to the fact that a great many of these Indians are competent lumbermen. How long has that condition prevailed among them?

Mr. KERSHAW. I think it has prevailed ever since they were able to work. I think in the early days, those Indians went to all the lumber camps in that surrounding country and became woodcutters and sawyers and log drivers; that is about as far as they would go.

The CHAIRMAN. That is all the work they are doing in connection with this sawmill, is it not?

Mr. KERSHAW. I think that is about all they are doing.

The CHAIRMAN. They are not expert sawyers and things of that sort?

Mr. KERSHAW. No; they are not expert sawyers, though—

The CHAIRMAN. Have you had enough means of observation to form a conclusion as to whether that mill is of great value to the Indians, from a demonstration standpoint—that is, to teach them the lumber business?

Mr. KERSHAW. No; I do not think it is; and I think that would be only an incidental value, if it were, because the timber will be gone in the course of ten years, I think.

Representative STEPHENS. Would they have anything to show for it then?

Mr. KERSHAW. No; I do not think they would, Mr. Stephens.

Another thing that you ought to go there for the purpose of considering is the Wolf River, which constitutes the finest water power in the State of Wisconsin. It is a wonderful stream, in a way. There are distances of over 3 miles of successive rapids and falls almost, of such a natural character that it would be very easy to utilize the power over that section of the country; and one of the Indians told me that they had discovered iron there, and that he knew where it was and had told the superintendent; that nobody but he and the superintendent knew where it was, but I have never heard anything from that since. He wanted to know what could be done about it, but if there is mineral there I think the commission ought to find it out.

Representative STEPHENS. What is the name of that Indian?

Mr. KERSHAW. I could not give you his name, but he will come and tell you, because he is always around, if there is anybody he can give his information to.

Representative STEPHENS. What about the depth of the fall in that 3 miles you mentioned?

Mr. KERSHAW. Oh, I should judge 50 or 60 feet, successive short rapids.

Representative STEPHENS. Short rapids?

Mr. KERSHAW. Yes, sir.

Representative STEPHENS. Are there any abrupt rapids?

Mr. KERSHAW. Yes; one or two. There is one right at Keshena, with a fall, I should say, of 8 to 10 feet over an abrupt precipice.

Representative STEPHENS. What is the amount of water which the river usually runs at the ordinary stage?

Mr. KERSHAW. It is a strong, full body of water, I should say 75 or 100 feet in width as a mean measurement, with a deep, strong current.

Representative STEPHENS. Is there any town near there, a city or anything of that sort?

Mr. KERSHAW. No; there are no towns on the reservation, except Shawano, which is outside the reservation. That is one of the towns that lives on the pay roll of the Menominee Indian.

Representative STEPHENS. What are the agricultural resources of that reservation?

Mr. KERSHAW. They are mostly, but they are undeveloped. They have no farms, and I do not think those Indians do any farming of any consequence.

Representative STEPHENS. Has the agent never done anything in that direction?

Mr. KERSHAW. I think he has undertaken to do something. I think they have undertaken to do something with this reimbursing fund, but my observation of that is that that is a mighty big project, and I do not think any private concern would have shouldered upon one superintendent the duty or the responsibility of running that great mill and harvesting that timber, and then looking after the rest of the Indians on the reservation, doing the ordinary superintendent's work.

Representative STEPHENS. Is there any farming at all done there around the reservation or on the reservation any place that you know of?

Mr. KERSHAW. Very little. I do not think there is as much done as might be.

Representative STEPHENS. Is there any gardening?

Mr. KERSHAW. Yes, sir; there is some.

Representative STEPHENS. To what extent—has each Indian family a garden?

Mr. KERSHAW. No; I do not think each Indian family has a garden.

Representative STEPHENS. Is there any fruit raised?

Mr. KERSHAW. No fruit raised.

Representative STEPHENS. Is there any stock raising?

Mr. KERSHAW. There is some stock raising now.

Representative STEPHENS. What kind of stock have they?

Mr. KERSHAW. Well; they aim to get Jersey cows—those that I talked with said they had obtained Jerseys. One man, I think, said he had Holstein cattle. I have taken some personal interest trying to develop those things, and I have offered some prizes up there at the county fair.

Representative CARTER. Do you know how much land there is on this entire reservation?

Mr. KERSHAW. There is about, according to the Indian's claim, 12 townships. I think they have actually 10, have they not, Mr. Konop?

Mr. KONOP. I do not know.

Representative CARTER. How much of it has valuable timber?

Mr. KERSHAW. Four townships.

Representative CARTER. The balance of it is good agricultural land, is it?

Mr. KERSHAW. Yes.

Representative CARTER. Is the timber land agricultural land, too?

Mr. KERSHAW. Yes; I think it is.

Representative CARTER. So that after the timber is taken off, there would be a good opportunity for farming?

Mr. KERSHAW. Yes; after the stumps are cleared; the manufacturing of timber leaves the land still in very poor condition. I do not know what it would cost them to clear it, perhaps \$25 or \$30 an acre.

Representative STEPHENS. Can you tell us how those Indians subsist? Do they live by hunting and fishing, or what is their manner of living?

Mr. KERSHAW. Some of them—I noticed quite a number of them drawing rations. I think they live on the wages from the mill, and when the monthly salary comes in they go to these outside towns and buy their supplies. Some of them live off of their farming land; I think there are two good farmers there.

I want to say as to these Indians—

Representative STEPHENS. Are they Indian farmers or Government farmers?

Mr. KERSHAW. Indian farmers.

Representative STEPHENS. Did you see any Government farmers there?

Mr. KERSHAW. I saw the Government farms, but I did not go into them.

Representative STEPHENS. How many farmers have they employed there on that agency—Government farmers?

Mr. KERSHAW. Oh, I could not say; I think they have three large farms.

Representative STEPHENS. Three Government farmers or three farms?

Mr. KERSHAW. Yes; I think so.

Representative STEPHENS. With Indian owners?

Mr. KERSHAW. Three different farms.

Representative STEPHENS. How many farmers?

Mr. KONOP. How many farmers?

Mr. KERSHAW. I think there is one on each farm.

Representative STEPHENS. One on each farm?

Mr. KERSHAW. Yes, as I understand.

Representative STEPHENS. Do you know what their salary is?

Mr. KERSHAW. No; I could not tell you. I did not pay any attention. There are numerous complaints which have come to me from the members of the tribe, and I have not solicited any of their law business, and I would not undertake it unless it was of such a legal character that it was agreeable to me. These people are a mighty intelligent race of Indians. They have been civilized, I should judge, for nearly 100 years.

I can give you a sample of how they stand in their relations to the Government. They sent more men to the Union cause during the Civil War than any other nationality in the State of Wisconsin, not excepting the Yankees. They have a veteran post there now of 17 members. In the War of 1812 they took a very decided stand

in behalf of the country. They have been of that peaceable and progressive character that I think they were entitled to citizenship and allotment and the distribution of their funds long ago, and I think it would be the finest thing in the world for those Indians if this commission could find a way to allot those six townships to them and distribute the money, or else make arrangements so they could have their resources out of the timber from that mill.

The CHAIRMAN. Do you mean to relieve them from any further supervision?

Mr. KERSHAW. To relieve them from any further supervision except possibly suspend the power of withdrawing their land, maybe 20 years.

The CHAIRMAN. What are the school facilities on the reservation, do you know?

Mr. KERSHAW. The school facilities are good. The Government has a fine school there at the agency, and there is a fine parochial school.

The CHAIRMAN. Is their health generally pretty good?

Mr. KERSHAW. Their health is generally pretty good. There is one insurance company which has a policy on pretty nearly every man, woman, and child on the reservation and claim they have a monopoly of the business.

Representative STEPHENS. That does not prevent them being sick?

Mr. KERSHAW. No; it does not prevent them being sick.

The CHAIRMAN. But it is an indication that they are insurable, and when they are insurable it is a pretty good sign that their health is reasonably good.

Representative CARTER. What is the condition, Mr. Kershaw, of these Indians financially?

Mr. KERSHAW. They are led to believe that they are worth all the way from \$10,000 to \$15,000 apiece, but, as I say, they never have a dollar of their own.

The CHAIRMAN. What is the actual condition—have they any money?

Mr. KERSHAW. No; they have no money.

The CHAIRMAN. Some of the pagan tribe, are they?

Mr. KERSHAW. Yes; there are about 300 pagans there.

The CHAIRMAN. What is their condition?

Mr. KERSHAW. Their condition averages up with the civilized Indians, and those pagans are mighty intelligent; they are very truthful—they are the most straightforward, honest men I have ever met in my life.

Senator LANE. More so than the others?

Mr. KERSHAW. Yes; I think they are. And that is casting no discredit on the prevailing religious belief of the tribe; I belong to their belief myself.

Representative CARTER. What church is that?

Mr. KERSHAW. The Catholic Church; but I must take off my hat to those pagan Indians. They are remarkably fine people.

I have never bothered myself about the charges that have been filed against the superintendent, and so on, and I do not think the commission would get a working basis from considering the charges and the answers thereto. There were some charges—however, of a differ-

ent character from those in the Ayers matter—filed, which were brought down here about a year ago, in the month of March, and those are still pending. I think they have never been considered; I do not know whether this commission has found them or not.

The CHAIRMAN. I will state for your information that we have a large amount of information that we do not care to discuss at this time, and which I do not think is germane to this proceeding.

Mr. KERSHAW. I understand.

There are some things that have come to my attention, and if you go out there they will come to you themselves and tell you these stories, about some things that do not look very good to me.

There is one thing I do want to mention that ought to be remedied as a whole, with reference to the Indian Service, and that is this: I have been called on many times to defend the Indians when they are brought down there for violating the liquor laws. They used to indict them and bring down a great crowd of witnesses a distance of 150 or 160 miles, and then warrants were issued, and they would go back and get the indicted men and bring them down to jail. If it was in June, they would have to lay in jail until October; and if in February until the following May, usually. When I got into the cases I went right up to the Federal judge. He called me and said he wanted me to take charge of those Indian cases. I said, "Your honor, I appreciate the significance of this appointment - the Federal Government does not pay anything, but I deem it my duty to the court to go in" - and the first thing I did was to make a motion in court and argue it upon the theory that it was against public policy for the Government to deal at arm's length in criminal matters with its own wards by arresting them on these warrants and putting them into jail and not making their property available for fines and purposes of bail, and the judge entered an order there that in all those arrests that the bail bond of those Indians could be signed by any member of that reservation, and now they are released within a few days after they are arrested. Some of these things that have come up against the superintendent have come to my attention in that way, and once in a while I will use them in a motion to the court for leniency, after a man is convicted. I do not care to urge any of these things. If your commission goes out there you will get all of that information. I do hope that your commission will go to that reservation, and I think that you ought to look into it. It is a mighty serious problem.

Representative STEPHENS. What is the special thing you would have us investigate?

Mr. KERSHAW. I would like to have you investigate the reservation with a view to allotting those six townships and distributing the money to the Indians.

Representative STEPHENS. Do you mean the townships that have been cut over?

Mr. KERSHAW. No; those that never contained any timber.

The CHAIRMAN. Have you any further statement of fact that you would like to submit; any matter within your knowledge as to conditions on the reservation?

Mr. KERSHAW. No; nothing further, Senator.

The CHAIRMAN. Do you know the general condition of the Indians with reference to living comfortably or otherwise?

Mr. KERSHAW. Well, some of them live comfortably; those in the towns do; those that are not in the towns—those not at Neopit or Keshena do not live comfortably—they may live “comfortably” for an Indian, but they do not live as a white man would want to live.

The CHAIRMAN. Do any of them live in tepees?

Mr. KERSHAW. No; none of them live in tepees.

The CHAIRMAN. Are there no blanket Indians among them?

Mr. KERSHAW. No; some of the pagans have their tepees near their houses.

The CHAIRMAN. But they all have houses which are available for their use if they desire it?

Mr. KERSHAW. When an Indian builds a house, of course, he may not put a floor in it, you know. Just about a month before I came away one of the marshals said he went there and arrested one of the men, and he found quite a bit of snow on the ground, and the Indians in that house were all lying on the bare ground, “spoon fashion,” one right close to another, a family of six, all with their clothes on. Of course, they can survive all that, because the Indian lived that way formerly in his primitive state; but I think the great thing for the commission to do is to turn those men loose; just let them go.

The CHAIRMAN. I want to see if I understand you as to your views about the sawmill. You feel, if I understand you correctly, that the establishment of that sawmill was a mistake?

Mr. KERSHAW. Yes; I think it was.

The CHAIRMAN. It has not proved beneficial to the Indians on the whole?

Mr. KERSHAW. No.

The CHAIRMAN. While you feel that that is true, you do not know of any way of abandoning the enterprise?

Mr. KERSHAW. I do not know how the Government is going to abandon it unless you turn it over to a private contractor; and then you will have to get an exact survey of the timber before you can do that, so that the contractor would not beat you.

The CHAIRMAN. Are those Indians disposed toward practical agriculture?

Mr. KERSHAW. Yes; they are.

The CHAIRMAN. What would be the effect of allotting that land? Would they undertake to prepare it for cultivation and actually farm it, or would the land finally pass into the hands of the white man?

Mr. KERSHAW. No; I think they would undertake to prepare it and they would keep it for their own.

Senator LANE. I want to ask you how many Indians are employed at the mill?

Mr. KERSHAW. At the time I was up there I inquired and the Indians told me that there were about half.

Senator LANE. About half?

Mr. KERSHAW. Yes; about half.

Senator LANE. What do the other half do?

Mr. KERSHAW. Oh, they work in the mill also.

Senator LANE. The other half work in the mill also?

Mr. KERSHAW. That is, the employees of the mill were about half whites and half Indians.

Senator LANE. How many Indians are there on the reservation?

Mr. KERSHAW. There are in the neighborhood of 560 adult males over 18 years of age, I believe.

Senator LANE. How many of those work in the mill?

Mr. KERSHAW. About 215 or 230 or 240, I think.

Senator LANE. What do the rest of the Indians out of the total population do for a living, on the average?

Mr. KERSHAW. They farm. Some of them go off the reservation—I do not know what for.

Senator LANE. To work for other farmers?

Mr. KERSHAW. To work for other farmers.

Senator LANE. They do not farm themselves, as I understand you?

Mr. KERSHAW. No.

Senator LANE. They are laborers?

Mr. KERSHAW. Yes.

Senator LANE. What rate of wages do they get?

Mr. KERSHAW. I could not say what rate of wages they get.

Senator LANE. Do they have opportunities to secure work?

Mr. KERSHAW. Well, no; can only get so much work off the reservation.

Senator LANE. Off the reservation?

Mr. KERSHAW. Yes.

Senator LANE. They are self-supporting, are they?

Mr. KERSHAW. Yes.

Senator LANE. Do they get annuity rations?

Mr. KERSHAW. Yes; they have been drawing annuity except for the past two years. I think it has been during the last two years, \$20 a payment and two payments a year.

Regarding the employment of Indians, I stated it is provided that the Indians shall receive preference in the Indian Service in the matter of employment; but I read over that act creating this mill, and at the time I read it, it sounded to me as though it left the Secretary of the Interior no discretion except to employ Indians.

Representative STEPHENS. That is positively stated?

Mr. KERSHAW. It looked to me that way when I read it.

Senator TOWNSEND. Did I understand you to say that none of this land has been allotted to the Indians on the Menominee Reservation?

Mr. KERSHAW. None have taken any allotments; it may be possible under the law, but no allotments have been set aside for them. None of them are working any allotments that I could see.

Senator TOWNSEND. I had understood that a portion of that land had been allotted; that now they wanted to allot the timber to a certain number of Indians, and there was objection to this being done upon the part of others, because some had already received allotments of timberland, and that no allotments of the timberland at least could be made in equity to all the Indians.

Mr. KERSHAW. I should think that was true.

Mr. KONOP. I think that refers to the Bad River Indian Reservation.

Senator TOWNSEND. Possibly.

Senator LANE. Is there any objection on the part of any of these Indians to allotments being made, any sentiment against it among the Indians?

Mr. KERSHAW. All with whom I talked wanted allotments made and, of course, they wanted the distribution of the money.

Senator TOWNSEND. Distribution of what money?

Mr. KERSHAW. They have some money in the Treasury, and they want that distributed.

The CHAIRMAN. With reference to the right of the Department of the Interior to employ white men at that sawmill, the language of the act is:

The Secretary of the Interior shall at all times, so far as practicable, employ Indians.

Mr. KERSHAW. Yes.

The CHAIRMAN. So that you can see the discretion that may be vested in him by the act?

Mr. KERSHAW. Yes.

The CHAIRMAN. We are very much obliged to you, sir.

Mr. KERSHAW. Gentlemen, the Society of American Indians, to which I belong, is composed of men who have entered into an association for the purpose of doing what they can to further the best interests of the Indians, and whatever they do they are doing at their own expense, and we are down here at our own expense to urge the passage of this Robinson bill, and we have set forth in our platform the three main things that we are looking after, and we have the honor of having had a brief talk with the chairman of the commission the other day in behalf of this bill, and I think it is a long step in the right direction toward solving the Indian question.

The Indian does not want to make complaints or waste any time telling what has happened to him in the past. The white men realize that mistakes have been made, and we know that the white man is going to correct those mistakes if he can. But it is an immense proposition, and the manner in which affairs have been administered have tended, it seems to me, to scatter instead of centering it in one head, and I am addressing you gentlemen now as trustees of an estate. You are not exactly legislators. It is rather the equity side. You are the chancellors now, administering this vast estate, and we all know that if any trust company should handle any private estate or should we attempt to handle any estate in this manner for our clients that we would get into such trouble that we would be ashamed of ourselves as lawyers. But we have got into it this far, and one of the things committed to your hands now is the Indian's property.

I heard an estimate last night by the commissioner to the effect that there were more than a million dollars of real and personal property besides the \$60,000,000 of property in the Treasury that you have got to take care of. But the Indians are getting restless; and the Menominee situation is presented as an example of dealing with this perhaps trust estate by a system that is entirely foreign to anything that belongs to our system of jurisprudence. It took us a thousand years to develop the courts which handle trust estates, probably, and centuries to develop probate and chancery court procedure; but at one stroke of the pen we have committed the whole thing to the jurisdiction of one man, the Secretary of the Interior, and we expect him to go through with it and handle it, and it is impossible. You gentlemen have got to take hold of it and handle it; and I tell you it is a source of great gratification to see men like you gentlemen take charge of this, especially to us who came down here interested in this bill, and we now pretty near think that the day of

the Indian is dawning. This Robinson bill just embodies our views upon the starting point, as the first move to make, and we want to do all we can and give you all the moral encouragement we can throughout the country; and my friend, Mr. Stafford, who was kind enough to come up here, I think has made up his mind that he is going to take some interest in it from now on.

Representative STEPHENS. I would like to ask you if it is not a fact that most of your adult men are voters?

Mr. KERSHAW. Oh, yes.

Representative STEPHENS. And some of them are officeholders in the county in which they live?

Mr. KERSHAW. No.

Representative STEPHENS. There are not officers among them?

Mr. KERSHAW. No; I am not an officeholder.

Representative STEPHENS. I mean any of your tribe of Indians.

Mr. KERSHAW. Not that I know of.

Mr. STAFFORD. Mr. Kershaw came within 100 votes of being our colleague.

Mr. KERSHAW. I tried to come to Washington in an official way, but I am now here not in an official way. Another man is drawing the salary.

Representative CARTER. The people in your district overlooked the chance to elect a mighty good man, did they not, Mr. Kershaw?

Mr. KERSHAW. I wish they had been as broad minded as your constituency were. [Laughter.]

Representative CARTER. Broadminded or liberal? [Laughter.]

Mr. KERSHAW. We are taking this thing up voluntarily. There is no private interest in this for me—no “game” of my own that I want to plead here at all. But these Indians do present a pitiable spectacle. My mother was a full-blood Menominee; my father married her before the Civil War. He had done something for the tribe before the Civil War and something after the close of the war; and she died when I was very young. And as years went on, it has become irresistible, this desire to get back to see my mother's people and to get with them and to know them; and that is true of any man who has the least little drop of Indian blood in his veins. There is one man who comes around to see me, a very prominent and very able lawyer, and he says to me, “I have got some damn fool memories of my family that do not agree with me on this, but I am with you in everything he wants.” Sometimes he hands me a little money. But the men here who have undertaken this interest through the Society of American Indians are doing it with the great singleness of purpose, to do what they can for the American Indian. In the old times our forefathers simply pushed the question on ahead of them and simply did not try to solve it. It has come down to your hands, and arrived at the point where it has got to be solved.

The CHAIRMAN. We are very glad to have heard you, Mr. Kershaw, and you, too, Mr. Stafford and Mr. Konop.

Supervisor Dagenett, do you wish to make a statement?

Mr. DAGENETT. No, sir.

(Whereupon the commission adjourned at 4.30 p. m., subject to call of the chairman.)

[Public—No. 74.]

[S. 4046.]

AN ACT To authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed, under such rules and regulations as he may prescribe in executing the intent and purposes of this act, to cause to be cut and manufactured into lumber the dead and down timber, and such fully matured and ripened green timber as the forestry service shall designate, upon the Menominee Indian Reservation in the State of Wisconsin: *Provided*, That not more than twenty million feet of timber shall be cut in any one year: *And provided further*, That this limitation shall not include the dead and down timber on the north half of township numbered twenty-nine, range numbered thirteen east; the north half of township numbered twenty-nine, range numbered fourteen east, and the south half of township numbered thirty, range numbered thirteen east, on the Menominee Reservation in Wisconsin.

SEC. 2. That the Secretary of the Interior shall, as soon as practicable, cause to be built, equipped, and operated suitable sawmills, equipment, and necessary buildings for manufacturing into lumber the timber cut under the provisions of this act, and there shall be employed such skilled foresters, superintendents, foremen, cruisers, rangers, guards, loggers, scalers, and such other labor, both in the woods and for operating sawmills, equipment, and necessary buildings as may be necessary in cutting and manufacturing logs and lumber and in the protection of the forests upon said Indian reservation. The Secretary of the Interior in so far as practicable shall at all times employ none but Indians upon said reservation in forest protection, logging, driving, sawing, and manufacturing into lumber for the market such timber, and no contract for logging, driving, sawing timber, or conducting any lumbering operations upon said reservations shall hereafter be let, sublet, or assigned to white men, nor shall any timber upon any such reservation be disposed of except under the provisions of this act. Whenever any Indian or Indians shall enter into any contract pursuant to this act, and shall seek by any agency, copartnership agreement, or otherwise to share in the same with any white man, or shall employ in its execution any labor or assistance other than the labor and assistance of Indians, such act or acts shall thereupon terminate such contract, and the same shall be annulled and canceled.

SEC. 3. That the lumber, lath, shingles, poles, posts, bolts, and pulp wood, and other marketable materials so manufactured from the timber cut upon such reservations shall be sold to the highest and best bidder for cash, after due advertisement inviting proposals and bids, under such rules and regulations as the Secretary of the Interior may prescribe. The net proceeds of the sale of such lumber and other material shall be deposited in the Treasury of the United States to the credit of the tribe entitled to the same. Such proceeds shall bear interest at the rate of four per centum per annum, and the interest shall be used for the benefit and such Indians in such manner as the Secretary of the Interior shall prescribe.

SEC. 4. That the Secretary of the Interior is hereby authorized to pay, out of the funds of the tribe of Indians located upon said reservation, the necessary expenses of the lumber operations herein provided for, including the erection of sawmills, equipment, and necessary buildings, logging camps, logging equipment, the building of roads, improvement of streams, and all other necessary expenses, including those for the protection, preservation, and harvest of the forest upon such reservation.

SEC. 5. That when the dead and down timber, and such fully matured and ripened green timber as the forestry service shall designate, shall have been converted into lumber, then the Secretary of the Interior is directed to make sale of such portions of the sawmill and manufacturing plant as will not, in his judgment, be needed for continuing operations on this reservation. The terms of these sales shall be fixed by the Secretary, and after the payment of the costs and charges of sale the net proceeds thereof shall be deposited in the same manner and for the same purposes as the net proceeds of the sale of the lumber aforesaid.

SEC. 6. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved, March 28, 1908.

[Extract from hearings had before the Joint Commission on February 5, 1914, part 7, "Board of Indian Commissioners."]

STATEMENT OF MR. EDWARD E. AYER, CHICAGO, ILL., MEMBER OF THE BOARD OF INDIAN COMMISSIONERS.

Commissioner AYER. I was requested by the board, seconded by Commissioner Moorehead and Secretary Lane, to make a general investigation there. I sent a copy of my report to you, Senator.

The CHAIRMAN. I have received it.

Commissioner AYER. It was a big subject. There are 250,000 acres of land there; there are 1,700 Indians; a sawmill, which has been an experiment; the commission's schools and the Government's schools, an enormous proposition—

The CHAIRMAN. Will you submit a brief review of the conditions as you have found them there, and also your suggestions in connection with them?

Commissioner AYER. Before I went to the reservation I got from Commissioner Sells a voluminous letter from an attorney up in that country, who had made serious charges against the whole proposition. I was an entire stranger to the location, to the proposition; I never had been on the reservation and never had seen any human being who had been on the reservation. And I will take the opportunity of saying, too, that I was asked if I had any lumbering interests in Wisconsin. I have not handled a stick of lumber north of the Ohio River in 16 years. I never handled a stick from that neighborhood in my life.

I first asked Commissioner Sells to send me the strongest man that he had in the Forestry Service. My exact words were, "I want you to send me a man that can tell me about the theory of forestation, and all that sort of thing, and a man that you have entire reliance in." I also brought up from the South one of my company's old logging superintendents, and I took our secretary and treasurer, who had been in the business 25 years, had spent much time in the woods in Arkansas as a boy, and in his duties had gone over our properties once or twice a year, and I took my own stenographer.

This gentleman who made those charges met me at the station. And, by the way, Commissioner Sells suggested it would be a good thing for me to give him an interview, but I readily saw the conditions. He had been nearly a year working up a sentiment there against the property, practically all the information coming from disaffected Indians, largely half breeds who had worked their way into the tribe in modern times.

I first went over the yard—I am entirely familiar with that part of the work—with all of these men, and made notes there myself. In the meantime I never exchanged a word with the superintendent in regard to conditions there. He never was present at any moment during my investigation or questioned pertaining to the examination of any witness in any way, shape, or manner.

The next morning I told this gentleman who had made these charges—first, I told him he had better take not over five Indians into the woods. I reconsidered that and told him to take just as many as he wanted. I also sent my superintendent and the forester that Mr. Sells has sent me, and my secretary, who was also a practical woodsman, and the agent and his logging superintendent, and the Government logging cruiser, who is the adviser of how much lumber shall be cut. They all went into the woods.

There had been charges made of tremendous waste in logging, and all that sort of thing, and photographs furnished. I will say that they have to log all the year long. They go back from their temporary railroad properties 1,200 or 1,400 feet, and that is logged in the summer where they can snake in with their machinery to the railroad. Then, behind that, in the winter they log a mile or two away and draw it in with sleds in the usual way, so that if anything should happen—for instance, last year the snow went off 30 days earlier than usual, and there were some logs left in there. They went entirely over this, practically the cut of three years, which represents the time since the mill has got on its feet under this present administration. I also took the sworn testimony—Mr. Nicholson, after we came away, sent his logging superintendent and the Government logging superintendent—

Senator TOWNSEND. Who is Mr. Nicholson?

Commissioner AYER. The agent. I had them scale every log that was left on the whole proposition of the three-years' cut—both of my men and the men that Mr. Sells furnished—the exact scale of every one of these logs. And these men, all under oath, all agreed practically on a certain number of logs that had been left, and it was 103,000,000 feet of lumber cut in those three years. The lumber that was left there would practically make two carloads of lumber. It was the cleanest proposition I ever came in contact with in my life. Understand, I did not go out there myself—I am too old—but I took the trouble to get this kind of testimony.

There was also the question raised that they had sorted the best timber and had left large amounts of inferior timber. That was true one year especially, from the following fact: Just after Mr. Nicholson, the agent, got fairly at work there was a fire swept through 50,000,000 feet of fine timber. The white pine was valuable, the hemlock was not. The hemlock at that time would barely pay for cutting. They made extreme efforts to save all this white pine that that fire had run through. In that year they cut 16,000,000 of that and the next year 5,000,000. The total estimate of white pine on the reservation is 10 per cent. The next year, the year ending this season, they cut 3,000,000 feet, which was less than the average of the whole white pine on the reservation.

Then the claim was made that the mill was absolutely losing money. The first building of that mill, the location of it, was a great mistake. That was put in charge of the Forestry Department, and they were impractical men; and the first two years were disastrous from trying to work timber that could not be worked, and there was a large loss. That had been thoroughly investigated by the Senate committee of about that time, and this change was made in accordance with that, so my investigation only pertained to the present occupation.

The stumpage credited to this mill in operation was the stumpage made up in the office here, and that was the stumpage that had been credited to all of this 105,000,000 cut. Under that stumpage the mill the first year made, net, about \$60,000, and about \$200,000 the second year, or something like that. It is all in my report there, Senator. It showed a net profit, after taking out the stumpage according to these figures, of \$245,000 in the three years that this agent had been there.

As I said before, they are using that stumpage. I was not satisfied with that. I did not think it was enough myself on the hemlock, and I went to one of our strongest lumber companies in Chicago and asked them if that was a fair stumpage. They said they did not think so. I said, "Please put down opposite this what you think would be a fair stumpage in these times." They left the white pine where it was and raised the others. They doubled the hemlock.

I then had a statement made up of the exact number of each kind of lumber that they had cut each of the 13 years. I consolidated them and added the stumpage, and it came, my recollection is, to \$39,000 more. Subtracting that from the \$245,000, or something like that, profit of the three years, it still left \$280,000 net profit after the full count of stumpage had been added to the proposition.

I also had a statement made up showing the interest on the capital stock that this money would represent for the three years. The first year it paid about 4½ per cent, or something like that, and the second year about 6 per cent, and the last year about 9 per cent.

In the meantime in those three years there had been \$451,000 of stumpage and profit paid into the treasury, increasing the tribal funds to that extent. In the meantime there had been a good many improvements made in the mill. It was located on a tremendous slough, and it was a great expense there, and they were building habitations. By the way, they loaned money to the Indians. They built an Indian there a house and took it out monthly and did not charge him interest. They were building school houses and that sort of thing, and a planing mill, which was very necessary. They had used the balance, lacking of the stumpage count and the profit, except the \$451,000, which showed an increase in the tribal funds from the date this man came here to date.

I then also found also the most wretched system of selling timber that could be conceived. This mill is in opposition to the local mills everywhere they sell their lumber. The Government rule made these people advertise in the papers that they had so much lumber for sale and ask for bids for it. If you are in the lumber business, you have a planing mill and prepare this lumber for the country yard and distribute it to the smaller towns all over the country and get whatever there is in it. These people have to advertise it, and, of course, the lumbermen get that timber just as cheap as they can. I am sure it has made a difference of \$2 a thousand on every stick of timber sold. It has made a difference of \$60,000 a year that was absolutely thrown into the fire by Government red tape.

In writing to the Secretary about that I said, Now, the country yards are rich people as a rule, and there is not any country yard that can not get an indorsement from his bank for anything he wants. They put on a traveling man at \$2,000 a year, and sell that lumber direct instead of by bid, and, to show the condition, the United States is a large user of sawed lumber—

Senator TOWNSEND. Mr. Commissioner, I do not believe I have it clearly in my mind what disadvantage it is to the Indians to have these bids advertised.

Commissioner AYER. What advantage?

Senator TOWNSEND. What disadvantage. I understood you to say it was a disadvantage to the Indians.

Commissioner AYER. Because instead of going and selling this lumber at the full price, it is distributed to the farmer and user, which all lumber concerns do, put up in bunches, and can only be handled by the speculator and the middleman, who makes \$2 a thousand that he is not entitled to.

The CHAIRMAN. Virtually sold at auction?

Commissioner AYER. Yes.

The CHAIRMAN. Is it probable that the bidding is collusive?

Commissioner AYER. It can not be otherwise. Another thing, Senator. I asked one of the principal lumber yards—all those lumber yards are bidding from the outside—"Will you handle this lumber for the mill?" and he said, "Yes." I asked, "Will you handle it at \$1 a thousand?" and he said, "No; I won't." That would make \$30,000 a year under those conditions.

Representative STEPHENS. When were these sales made?

Commissioner AYER. Just as the lumber got fit to sell.

Representative STEPHENS. When was the last one?

Commissioner AYER. I can not tell as to that.

Representative STEPHENS. From two or three years?

Commissioner AYER. No; they are selling every day; they are sawing all the time.

Representative STEPHENS. Who made the rules by which it is sold?

Commissioner AYER. The Government.

Commissioner VAUX. It was provided for in the act of Congress of 1908.

Secretary ABBOTT. March 28, 1908.

Commissioner VAUX. It absolutely specifies that this method must be followed of asking for bids and selling to the highest bidder.

The CHAIRMAN. In that connection, under the other system suggested by Commissioner Ayer, would it not be possible sometimes, or probable, that the grossest kinds of fraud could be perpetrated upon the Government? Suppose you have a dishonest representative who would collude with the buyers. My impression has been that there is a great deal of that kind of business in all Government and quasi-Government transactions where you have an agent that goes out to negotiate transactions of that sort. It is very easy for him to get a commission from the buyer, and, of course, that makes him the secret agent of the buyer, and if there is no competition he can sell at any price he wants and ask any commission they will pay him, and between him and the buyer they can rob the Government of any amount they want to.

Commissioner AYER. That would be true if this lumber were sold in large quantities. You could select from Bradstreet four or five towns and sell to the individuals in those towns, and some of them would not buy over one carload a year. Another thing, every other lumberman sells that way. You would have to put that man under bond; and, over and above that, the lumber associations of that country establish the wholesale and retail price of this lumber, so that at the mill you keep posted in that way.

The CHAIRMAN. You could very easily detect the matter if the man is disloyal to the service?

Commissioner AYER. Absolutely.

Senator LANE. There would not be any trouble about checking the price?

Commissioner AYER. That would have made a difference of \$150,000 in the prosperity of that concern.

The CHAIRMAN. But by collusion at the mill that could be overcome by dishonest agents by means of classification?

Commissioner AYER. Yes.

The CHAIRMAN. I merely suggest this, Mr. Ayer. It is merely suggested to my mind that there are inherent difficulties, and that the whole fundamental of the proposition is honest representatives.

Commissioner AYER. Yes. To sum up, the charges were that this mill was grossly mismanaged; that there was a tremendous waste in the woods; that the yard was not kept in order. I have the sworn testimony of a gentleman, who was familiar with 40 yards, who said that this was as clean a country yard as he knew. And my own man, a man of experience, said there was no criticism at all in that respect.

The bad feature of all this is that these outside influences—for instance, the Indian that is bringing these charges and has been the mouthpiece of the people trying to get hold of the salaries and that sort of thing on this reservation is a man that has not done a stitch of work for three years—two years, surely—and one or two others have not. They are supported from some source. Before this bill was started these logs were always sold to the different lumber concerns, and you all know what that condition has been, Senator. It was terrific.

Now, there is another feature in this. There are 1,700 people. They wanted to be taught to work. The first years it was difficult to get them to work. In the meantime the young men have come on and the others have been taught, until this year there was an average of 271 men working every day in the year in that plant—Indians—at the same wages they paid white men. That was one of the handicaps this agent had. You all know how unstable an Indian is as a rule. For instance, I am there working at an important part in the mill. I would conclude I wanted to go fishing, and the next morning I would not show up, and perhaps I would not for a week or two. If they stop one side of that mill, it costs 50 cents a minute. The law established that mill, and it is right it should. The whole object of that was to educate the Indians to work, and it is progressing in splendid shape.

Senator TOWNSEND. What is the influence, in your judgment, Mr. Commissioner, back of these busybodies?

Commissioner AYER. Well, we don't know. We certainly know that these lawyers that are trying to get a contract to stand between the agent and the individual Indian that is in trouble have not any money. That is certain. The lumber mills all over that country are largely sawed out. There are mills near the towns that do not get a quarter of the cut. If they could go back to the old theory of logging 40,000,000 feet of logs a year and selling it to those mills, it would be a splendid thing for them. That would furnish the Indian about three months' work a year. Now, he has steady work in every conceivable way in regard to marketing thirty or thirty-five million feet of lumber a year, and that is one of them.

Senator TOWNSEND. What proportion of the Indians are favorable to this community logging camp?

Commissioner AYER. In my testimony there you will see that some of the best Indians there have estimated there were from 5 to 10 per cent disaffected, and through this sort of thing: A letter written by a lawyer from Washington last September said that the Menominee Indian Reservation had lost in the five years of operation one million four hundred and some odd thousand dollars and some cents.

Now, there is no financial phase of that proposition that is not right here in Washington. It shows in the books here in Washington that here has been added in the last five years from that plant \$451,000 to the money belonging to the Menominee Indians. That man knew that was not true, Senator, when he wrote that letter. That was scattered broadcast among the Indians.

Senator TOWNSEND. Who wrote that letter?

Commissioner AYER. Mr. Ballinger, a lawyer in this town. The other man that made these charges that you have in my report was a Mr. Tyrrell, from Gillett, Wis. You can see from the testimony of his own Indians and by Mr. Tyrrell's testimony that the theory was that they want \$8,000 a year to spend between the agent and the Indians that represent the Indians on that reservation. This conspiracy has been going on nearly a year, and the whole showing is that there was a waste perhaps of two carloads of lumber in 105,000,000 feet, and that the Indians were working better than they ever had. I think it would please any of you gentlemen to go into that town and see the cleanliness of it, the order of it, and see how well the Indians are doing there, how well they are managed, and all that. It is a calamity to have such outside influences.

Another thing. If you want to start any more lumber mills, for the Lord's sake get a committee, pick out half a dozen men to go and look it over, tell what the capital stock shall be, where it shall be located, and all that. Then you won't have any such trouble as you have had here by putting in inexperienced foresters and boys and spending half a million dollars on a proposition of that kind.

Senator LANE. How much did the mill cost?

Commissioner AYER. The whole capitalization is about one million and a few thousand dollars.

The CHAIRMAN. Does that represent the actual value of the property?

Commissioner AYER. That is the actual value of the property, except, possibly, \$79,000 lost in the first proposition there by the getting of bad timber and all that sort of thing.

The CHAIRMAN. Who owns the stock?

Commissioner AYER. We call it the capital stock. There is no stock; that is what the mill represents. Now, as against that you have your mill, you have your village, you have your dams, your runway, 40 or 50 miles of railway, your organization, and all that sort of thing. That includes the money that was lost, too; that is included in the expense. It would make about \$750,000 the absolute cost of that plant as it stands to-day. And I might say, from my own experience, my concern has handled in the last 16 years 7,000,000,000 feet of lumber.

The CHAIRMAN. You yourself are engaged in the lumber business?

Commissioner AYER. Yes; but not up there.

The CHAIRMAN. You are a practical lumber man?

Commissioner AYER. Yes, sir.

The CHAIRMAN. Now, if I understand you correctly, you think you would in substance make three criticisms of that project: First, the mill was not located properly?

Commissioner AYER. Yes.

The CHAIRMAN. Second, in some instances there was not a sufficient or proper amount paid for the stumpage; and, third, that the system of selling results in an enormous loss annually to the Indians?

Senator LANE. There was nothing said, I think, about the pay for stumpage, was there?

Commissioner AYER. No; there is no stumpage sold there. I said that was all right five years ago, or three or four years ago, but the timber is gradually decreasing, and it was on that basis that I made up the new statement doubling the stumpage on hemlock and giving an additional cost to certain other wood.

The CHAIRMAN. You merely referred to the stumpage as one item of the cost?

Commissioner AYER. Yes.

Commissioner VAUX. It is simply a matter of bookkeeping whether that is credited to upkeep or credited to the mill. The Indians get it in either event.

Commissioner AYER. The amount of that whole thing is that you are teaching those 1,700 people to conserve their property in the future, and as generation after generation goes on you will have boys that will be able to this work.

The CHAIRMAN. That, as I understand it, is in the nature of a demonstration plant?

Commissioner AYER. Yes.

The CHAIRMAN. It is proving a success, in your judgment, from a financial standpoint?

Commissioner AYER. Yes, sir.

The CHAIRMAN. Now, let us see what it has accomplished. How many Indians were actually employed in that mill when you were there?

Commissioner AYER. The sawmill was shut down for two weeks when I was there. There are 480 adult Indians on that reservation. The average number of workers in the mill and in the woods last year daily was 271.

The CHAIRMAN. How many out of the total number of employees of the mill?

Commissioner AYER. About 45½ per cent of the employees were Indians, and they were short of labor all the time. When they could not get Indians they took white men, of course.

The CHAIRMAN. The charges that were made against the superintendent there, Mr. Nicholson, embrace one specific allegation that he had violated his duty in declining to give employment to Indians and preferring white employees. What investigation did you make into that?

Commissioner AYER. I made investigation by asking the leading Indians of that place if in their judgment there had ever been any cases where Indians could not get employment. Every one of them, except the disaffected, who had been disciplined for drunkenness, for malefiance, immorality, and that sort of thing—they all say what I gave in my report of the gentleman, whose name I did not mention—a man that has been there 17 years. He says there has been no time when any Indian could not get work that wanted it. There has been no time in the past year when they have had men enough to run that plant properly and as economically as it ought to be run.

The CHAIRMAN. Do you mean to say they were unable to secure enough Indians to do the work?

Commissioner AYER. Absolutely; and every inducement is offered for Indians to go to work.

The moral effect of the association on that has been first class. Now, I find there are 250,000 acres of land and probably 100,000 acres of grazing land. It is a crime to allow that food to go to waste. I will say that Commissioner Sells is already making arrangements this next spring to put on it a large body of sheep. I recommend putting a thousand cows there and, as soon as we can develop a place, cut hay for them; then every fall take the steers and put them on the market and sell them to the feeders. The corn belt is only 300 miles away.

Another thing: That reservation has never been cruised. Why, if a man would do business that way his credit would not be worth a nickel. There are 250,000 acres of land that no man knows the value of. That can all be done by experts for 5 cents an acre. Then, there should be in this place here and in Neopit analyses showing the capacity of particular sections of that reservation, whether it should be used for pasturing, raising hay, farming, reforestation, or some other use.

Senator LANE. To a man that has been used to doing business on business principles it looks rather slack, does it not?

Commissioner AYER. Not in the logging business; but in these other ways, very much so. And there is nobody to blame for that but you gentlemen.

Senator LANE. It comes right back to Congress?

Commissioner AYER. Right back into Congress, every bit of it; yes, sir.

Commissioner DICKWEILER. We do not hold these present gentlemen responsible.

Commissioner AYER. Oh, yes, we do.

The CHAIRMAN. We get lectures daily, as far as that is concerned; and we have not called you gentlemen here for the purpose of delivering us lectures. We want information and suggestions.

Senator LANE. I think that is pertinent and good criticism, Senator Robinson, coming, as it does, from a business man who understands business principles.

The CHAIRMAN. I am glad to get his suggestions.

Commissioner AYER. I certainly owe you an apology.

The CHAIRMAN. How long were you on the reservation, Mr. Ayer?

Commissioner AYER. I was up there three days and a half the first time. I did not go into the woods, understand. I am too old, nearly 73 years, but I had these experts from the Government. While the people were in the woods I took testimony and familiarized myself more with the yard and all that, and called in many Indians and took their testimony, which you will see. Then, I never said a word to Mr. Nicholson, the agent, at all, until I got home and got the report of Mr. Kinney, the Government report, and my man's report—all of them. Then I asked the questions that would bring out his defense. You will see it all in that paper.

The CHAIRMAN. You were there three days and a half, you say?

Commissioner AYER. Three days and half the first time.

The CHAIRMAN. And, under the circumstances, you did not go into the woods yourself?

Commissioner AYER. Oh, certainly not.

The CHAIRMAN. I did not know whether you had or not. I did not know of any reason that would have prevented your going there. Now, you submitted the testimony that you took, with your report, to the Commissioner of Indian Affairs?

Commissioner AYER. Every single question that I asked anybody there is in that report.

The CHAIRMAN. You think that the operations of the mill, so far as its actual conduct is concerned, are businesslike and successful?

Commissioner AYER. Yes, sir; remarkably so, under the handicaps that are there.

The CHAIRMAN. Did you investigate all the charges that were made against the conduct of the affairs of that reservation, or only just particularly the sawmill matter?

Commissioner AYER. I was sent there to investigate that reservation, and no investigation would have been worth a nickel that did not take in the matter of conditions on the reservation—moral, physical, intellectual, and financial propositions.

The CHAIRMAN. What did you find there with reference to the introduction of liquor by white employees?

Commissioner AYER. That is one thing that seems to be almost nil. The investigation shows that there have been numerous prosecutions. And if there is one thing that Mr. Nicholson has been efficient in it is in keeping that away.

The CHAIRMAN. Did you find many cases of violation of the law?

Commissioner AYER. I did not find any. I could not see that, of course, in three days. I saw no drunken men or anything of that kind. I only found in a general way the conditions there and the morale of the place.

The CHAIRMAN. There was a specification in those charges that the Indian employees were abused by the white employees, and that the superintendent permitted that. Did you look into that?

Commissioner AYER. Yes, sir; I do not think it is true in any way. There was no indication of it, and they practically never suggested that to me. Of course, every single charge there you would find in Mr. Nicholson's report to me, in a way—the biography of all these men. It is very easily investigated if you are not satisfied. It is a matter of record in the office.

The CHAIRMAN. What kind of work do the Indian employees generally do? Can they do anything about the sawmill?

Commissioner AYER. The Indian is not employed for a sawyer; he is not employed for an engineer; he is employed as a fireman; he is employed for attending, and some of them can ride the carriages. But a sawyer can make \$50 a day or lose \$250 a day, and they never have the experience that would teach them that. The records show that the Indians as a rule have been a dead failure in running the logging camps. You will see in that old investigation what the conditions were when the Indians were given those logging contracts. They immediately brought white men in to do every one of them, and they had a dead margin on it. Now, as a rule, in the testimony

there, there are usually two or three Indians in charge of the logging camps in the woods, and efforts are being made to educate them in that manner. There has been a long time that there has not been a single Indian in charge of the logging camps, and, of course, there is no disaffected Indian that does not think he would be capable of that.

Senator TOWNSEND. Is the Indian improving much?

Commissioner AYER. Very much.

Senator TOWNSEND. How can you demonstrate that?

Commissioner AYER. By going back in the history of the red man.

Senator TOWNSEND. Do you know what the condition of the Menominee Indians was prior to the establishment of that mill?

Commissioner AYER. I have a library, Senator, that tells me the condition of every Indian tribe in North America since the discovery of North America, since the first white man was in any district in North America.

Senator TOWNSEND. How has the Menominee Indian improved by reason of that mill?

Commissioner AYER. Because it gives him more labor. Before that mill was begun the logging contracts were let to Indians. The scalers were bought up, and there is a suit here now in these courts for dockages made, and all those questions. All those logs were sold and all the manufacturing done away from that reservation. The Indian had none of it. That has been so from time immemorial. Some of them had little patches of ground under no supervision; others were largely hunters and trappers. To-day there are some of the finest educated men—look at that letter of Oshkosh and several of the other men. There are many highly educated men. They are morally developed, and I take the opportunity of saying that the missions there have done splendid work for a number of years.

Senator TOWNSEND. Are they thrifty?

Commissioner AYER. No Indian is thrifty. There is not one in 10,000.

Senator TOWNSEND. Is the mill encouraging habits of thrift?

Commissioner AYER. Absolutely. And I want to suggest, too, that there is another little thing that might help. I would establish a system of prizes to the men that did the most work in the mill and in the yard at each one of the camps, and all that sort of thing. The young men, of course, are working better than the old ones. That is encouraging.

I have made a recommendation there that to me is quite a vital one, to get these Indians to farming as fast as possible, to give them assistance. Then—as you all know in all your States what farming has got to be—I would have the Government keep two or three boys every year in Madison, studying forestry, chemistry, agriculture, and the different phases of stock raising.

The CHAIRMAN. Who would select them?

Commissioner AYER. The brightest boys from the schools that are right there. They would come back and analyze my soil and tell me I had better raise this or that; tell me the best class of pigs, the best class of chickens, the best class of turkeys, the best class of cows, and all that, and have a general scientific supervision over these men, because the eventual life of those men has got to be on the farm.

Senator TOWNSEND. Is anything being done along that line, Mr. Ayer?

Commissioner AYER. On the reservation?

Senator TOWNSEND. Yes.

Commissioner AYER. Very little. Some of the pagan Indians and some of the Christian Indians have little farms, but they need this scientific supervision and inducement.

Senator TOWNSEND. Do they have an Indian farmer up there?

Commissioner AYER. Yes; they have.

Senator TOWNSEND. What does he do?

Commissioner AYER. He is supposed to help.

Senator TOWNSEND. You did not go into that?

Commissioner AYER. No.

Senator TOWNSEND. Did you investigate anything that the Government employees are doing up there to make the Indians more industrious, more self-supporting, more thrifty?

Commissioner AYER. Yes; but you must understand that the agent is the father, mother, grandfather, grandmother, nurse, and wet nurse of the whole 1,700 people on that reservation, and I think any investigation will prove that there has been a great advancement in every way through the schools. Of course the mill has spent some money in getting better training schools there. That is a very important thing, that these boys be brought up to be mechanics, farmers, etc.

Senator TOWNSEND. Do you know for a fact whether they do attend school or not?

Commissioner AYER. They do.

Senator TOWNSEND. They all do attend schools?

Commissioner AYER. Practically. There are two day schools and two Catholic schools. Father Ketcham is familiar with that, and he can probably tell you better. Probably there is another one. There are about 80 children in the Catholic school at Neopit, and they are just building a new school. They were overrun at the other one. There were four schools on the reservation in the two villages, and every scholar has an opportunity to go.

I made an investigation of the conditions of the older Indians, in their little homes, who have come under the Christian influences, and found there was a very marked improvement in cleanliness and sanitation, and all that.

Senator TOWNSEND. How do the Menominee compare with respect to those conditions with other tribes that you have visited?

Commissioner AYER. You can not compare a Pueblo or a Mescalero or Papago or Navajo Indian with any of these other tribes. My business has not been visiting Indians; in fact, this is the first personal investigation I ever made, and, I will be perfectly frank with you, I hope it will be the last.

Senator TOWNSEND. You went up there principally to investigate the lumber business?

Commissioner AYER. No, sir; I went up there for the purpose of investigating conditions generally on that reservation, which is my duty as a member of the commissioners' board.

Senator TOWNSEND. And I understand you did investigate the lumber business?

Commissioner AYER. No.

Senator TOWNSEND. What about the farm?

Commissioner AYER. That farm was out some distance, and it was bad weather, and I did not get out there. Of course there were a great many things which a person could not do in the time I had. I spent a good deal of time on it, but all the farming there is there is in a primitive state, and there has been no funds available to make it anything else.

Senator TOWNSEND. What is the condition of the health of those Indians up there?

Commissioner AYER. There is some trachoma and some eye—

Senator TOWNSEND. Some what?

Commissioner AYER. Some trachoma and some tuberculosis, but they are sending their children up to Minnesota to a sanitarium that are infected with tuberculosis, and there is a fine hospital at Keshena and a doctor at Neopit, and every case of the kind or destitution or of sickness and all that is looked after, and they have a female field matron, who visits all of these homes within 10 or 15 miles of Keshena, wherever they are tucked away in the woods or anywhere.

Senator TOWNSEND. Do the parents of the children who are afflicted with tuberculosis or trachoma consent to their being removed to the sanitarium?

Commissioner AYER. Oh, yes. They do because they have to. There are a good many intelligent people there, and the Indians realize they are trying to do the best thing they can for their children.

Senator LANE. What is the percentage of tuberculosis there, Mr. Ayer; do you know?

Commissioner AYER. No; but there is quite a little of it.

Senator LANE. Is it increasing or decreasing?

Commissioner AYER. I think it is decreasing, if anything.

Senator LANE. What about trachoma?

Commissioner AYER. Trachoma—that is being attended to, too. I think that is decreasing.

Senator LANE. Are they isolated—the tubercular cases?

Commissioner AYER. The tubercular cases are being isolated, and they do not let them go to the schools, and as soon as they can they send the field matron, who takes them up to this sanitarium in Minnesota.

Senator LANE. Is it an out-door sanitarium?

Commissioner AYER. An out-door sanitarium; at a place in Minnesota.

Representative STEPHENS. They have hospital facilities, then, for the sick children?

Commissioner AYER. Oh, yes; they have just as good as anybody can have, and there are about 8 or 10 Indians that have families and all that that are in that hospital.

Representative STEPHENS. How many day schools have they on the reservation?

Commissioner AYER. Two; one each Catholic and missionary, and two Government.

Representative STEPHENS. You call those sectarian schools "day schools"?

Commissioner AYER. No; one of them—

Representative STEPHENS. Or boarding schools?

Commissioner AYER. The one is boarding and the other day. There are two day schools at Neopit, where the mill is, and there is one where they board in Keshena, and one that they do not.

Representative STEPHENS. Are there school facilities for all children?

Commissioner AYER. Oh, yes; I think so. Of course there are some you never could get in school. Some of the Indians are scattered around in little hamlets in the woods, and where it is impossible, unless they put their children in boarding schools, to have schools for them—little settlements of three and four huts.

Representative STEPHENS. You say you were there on the reservation about three days?

Commissioner AYER. I was on the reservation the first time three days, and the next time about three days.

Representative STEPHENS. You were out on the reservation about six days altogether?

Commissioner AYER. Yes; altogether.

Representative STEPHENS. The agent and the mill are in the same place?

Commissioner AYER. Yes; in Neopit.

Representative STEPHENS. What is the name of that?

Commissioner AYER. Neopit.

Representative STEPHENS. Is it on the railroad?

Commissioner AYER. Yes. By the way, there is another thing I want to especially speak of, one of the first recommendations I made: That railroad stops at Neosho, about 20 miles down, and then runs up through the reservation. They have not a freight car in the world, or practically any cars, and they run a little "jerk-water" passenger train over the road at a fare of 4 cents a mile and without any facilities only as they get it from the Northwestern.

Representative STEPHENS. How are the freight facilities on this railroad?

Commissioner AYER. The Northwestern supplies them cars, as the Northwestern connects with it at this town, and that is not satisfactory to the Northwestern road, and it is not satisfactory to the mill. The Northwestern road has made two or three surveys in there, and they told me—I saw the president of the road and asked him in regard to it—so I could report to you gentlemen, and he said that they would build in there within a year or two if you want to pay for the right of way, and you would then have all the facilities of this Northwestern road in the way of stock and cars.

Representative STEPHENS. What is the size of the reservation?

Commissioner AYER. Purely a mill town, probably a thousand people in it.

Representative STEPHENS. Any hotels?

Commissioner AYER. No—there is only a lumberjack hotel.

Representative STEPHENS. Where did you have to stay?

Commissioner AYER. I stayed with the agent.

Representative STEPHENS. You did?

Commissioner AYER. Yes.

Representative STEPHENS. Who is the agent?

Commissioner AYER. Nicholson.

Representative STEPHENS. How long has he been there?

Commissioner AYER. Three years before, so far as I know. I never saw him before I met him there.

Representative STEPHENS. What influenced you to go there and make this examination?

Commissioner AYER. I was asked to do this by this Board of Indian Commissioners, of which I have the honor of being a member, and also by Mr. Sells, the Indian Commissioner, and Secretary Lane.

Representative STEPHENS. About what time did you go out there; what time in the month?

Commissioner AYER. The 1st of November. Then I came back and digested my information and went up again. I had not gone to Keshena the first time, calculating to go back, and I went back then and spent a day and a half among the Christian and pagan Indians; and then to the mill, and on to another settlement of pagans about 6 miles up the river.

Representative STEPHENS. Do you know a Mr. Abbott?

Commissioner AYER. I know Mr. Abbott; yes, sir. I have known him since I have been on the Board of Indian Commissioners.

Representative STEPHENS. How many years is that?

Commissioner AYER. Two.

Representative STEPHENS. You have been on the commission two years?

Commissioner AYER. Yes. By the way, I was put on by Mr. Fisher.

Representative STEPHENS. Two years ago. Whose place did you take?

Commissioner AYER. I do not know. I did not know any member of the board of commissioners.

Representative STEPHENS. Was Mr. Abbott then Acting Indian Commissioner?

Commissioner AYER. He was Acting Indian Commissioner, to the best of my knowledge and belief. We visited him that first year.

Representative STEPHENS. After Valentine was removed?

Commissioner AYER. I do not know; I have not paid any attention to conditions at all.

Representative STEPHENS. Did Mr. Abbott request you to ask this appointment?

Commissioner AYER. No, sir.

Representative STEPHENS. No letter?

Commissioner AYER. No letter of any manner or nature. Mr. Abbott is our secretary, and he has just as much influence on me as your stenographer would have on you.

Representative STEPHENS. There was no intimation that he wanted you to make this trip?

Commissioner AYER. No, sir; and, in fact, we never request a word from him in any shape. And, gentlemen, I certainly object to that class of questioning to a gentleman who is paying his own bills, who has spent his life in philanthropy and good works, to have to come here and have such questions asked him by anybody.

Representative STEPHENS. You are before an investigating committee, you must remember.

Commissioner AYER. You have no right to investigate my moral standing.

Representative STEPHENS. I did not ask you anything about your moral character, did I?

Commissioner AYER. It is the same thing, if I would allow any man on the face of the earth to influence me in my conduct. Mr. Stephens, I am not fit to hold the position I do.

Representative STEPHENS. You seem to be very sensitive about that.

Commissioner AYER. I am sensitive about that, most assuredly.

Representative STEPHENS. And you were out there for the first time three days and the last time three days?

Commissioner AYER. Yes, sir.

Representative STEPHENS. You stayed with Nicholson?

Commissioner AYER. I did.

Representative STEPHENS. Did he furnish you the books or let you examine them?

Commissioner AYER. He turned everything over to me ad liberatim. He said to his men in the office, "Give Mr. Ayer everything he wants; show him everything." In addition, he absented himself from me all the time; he never was in my presence or in my hearing during my asking a single question to any man on the reservation.

Representative STEPHENS. He has a secretary, has he not?

Commissioner AYER. I do not know that.

Representative STEPHENS. Who gave these books to you; was it his secretary, or how did you get hold of them?

Commissioner AYER. All the books I examined—I did not examine those books there at all. I got what they call "statements" after I came away.

Representative STEPHENS. Who gave you that statement?

Commissioner AYER. Mr. Sells.

Representative STEPHENS. Where did it come from?

Commissioner AYER. From the books here in Washington. (See letter dated "Chicago, February 11, 1914, from Edward E. Ayer to Senator Robinson, following this extract.)

Representative STEPHENS. Who made the books here in Washington—Nicholson, did he not? Do you not know that to be a fact?

Commissioner AYER. I do not know that to be a fact.

Representative STEPHENS. How do they get the information here?

Commissioner AYER. I do not know. The reports of that mill were made in that office, but if you are assuming that the Interior Department is receiving books that are not authentic, that is up to you; I do not know anything about it.

Representative STEPHENS. Did you not state a few minutes ago that the agent had complete charge; that he was "monarch of all he surveyed"?

Commissioner AYER. He has to keep those books according to the behest and the rules of the United States Government. I do not believe, Mr. Stephens, the United States Government is letting anything of that kind go by without proper attention to know it is being properly kept.

Representative STEPHENS. Coming back to the original question, do you not know that these books were made up and reports forwarded by Nicholson?

Commissioner AYER. I do not know anything of the kind.

Representative STEPHENS. How would the Indian Commissioner know they were authentically kept?

Commissioner AYER. I do not know. I asked Mr. Sells for anything he had on this subject, and he sent me these copies from statements from the books of the United States Government in Washington.

Representative STEPHENS. That is all.

The CHAIRMAN. Nobody on this board of commissioners receives any compensation for his service?

Commissioner AYER. No, sir; never.

The CHAIRMAN. It is purely gratuitous?

Commissioner AYER. And I want to say that I am a man of liberal means, and I have always refused to accept in any case any compensation for my traveling expenses or any expense I have been to in connection with the board, and I have never been since I have been a member of it.

The CHAIRMAN. You pay your own traveling expenses out of your own funds?

Commissioner AYER. Absolutely. I took a man who is getting \$4,000 a year from down in the country and took him up there, and I took another man who is getting \$8,000 out of our office, and took him up there, and a stenographer getting \$1,200 I took him, and paid all those expenses myself, because it is my pleasure.

The CHAIRMAN. If I understand you correctly, you said that the charges that were made affecting the integrity and efficiency of the administration of this sawmill were prompted by influences which were corrupt in their purposes and design?

Commissioner AYER. The effect was corruption, most assuredly, in stirring up those Indians in the way they have been there, and, as I said before, I asked for the record on these men, and I hope that you have got my entire report, Senator, and I sincerely hope that you will read it all.

The CHAIRMAN. It did, however, result in your discovering the fact that the Government was loose in the method of handling the matter, to the Indians, \$60,000 a year?

Commissioner AYER. Absolutely, under the law of Congress—it would be about that.

The CHAIRMAN. Do you think that that much can be saved as a result of the investigation?

Commissioner AYER. I certainly do, and that law ought to be changed, and rules and regulations established that would save that money, that would get that lumber to the consumer.

The CHAIRMAN. There are a good many questions I would like to ask you about the condition of those Indians, if you are familiar with it, but I know there are a number of other gentlemen here to be heard, and I think perhaps you would like to conclude, so I will reserve them.

Commissioner AYER. Can I be of any service to your commission between now and 3 o'clock Saturday? I leave then, and if I can be of any service in the meantime I hope you will command me.

The CHAIRMAN. I thank you very much. We are very glad to have had your statement.

Commissioner VAUX. Dr. Eliot will have something to say with regard to the extreme Southwest.

CHICAGO, February 11, 1914.

DEAR SENATOR ROBINSON: I think my answer to the question where I got my amounts in my statement was that I got them from the Government, sent me by the Indian Commissioner, from Washington. This was absolutely true as far as all the statements I made personally in investigating the Indians, etc., but it only included the increase in the logging fund for the three years. The total, you will see by Exhibit No. 33 (see report of Mr. Ayer on p. 828) was \$688,000, stumpage and profits; the difference between the two amounts being used, I suppose, in the planing mills, roads, railroads, equipment, and the many things that were done during the three years, to improve the plant.

Where I used the figures on Exhibit No. 33 you will see that it is the statement from the books of the mill itself at Neopit.

Yours, very truly,

EDWARD E. AYER.

Senator ROBINSON, Washington, D. C.

SEPTEMBER 9, 1913.

HON. THOMAS F. KONOP,
House of Representatives.

MY DEAR CONGRESSMAN: I am in receipt of your letter of September 6, and accompanying letters relative to the Menominee Indian Reservation. I appreciate the interest you have manifested, and I shall be glad to give your recommendations and suggestions careful consideration.

Very truly,

JOE T. ROBINSON, *Chairman.*

HOUSE OF REPRESENTATIVES UNITED STATES,
 COMMITTEE ON EXPENDITURES ON PUBLIC BUILDINGS,
Washington, D. C., September 8, 1913.

HON. JOSEPH ROBINSON,
*Chairman Commission to Investigate Indian Affairs,
 United States Senate, Washington, D. C.*

DEAR SENATOR: AS I understand that the commission appointed under the last Indian appropriation bill is to make investigations of Indian affairs in different parts of the United States, I would respectfully invite the commission to make an investigation of the milling operations and general conditions on the Menominee Indian Reservation in Wisconsin.

I have had complaints from quite a number of the Indians, and also complaints from white men, of the waste and mismanagement there. In support of these statements I am inclosing to you herewith a letter to the former Secretary of the Interior, Hon. Walter L. Fisher, which contains resolutions which I am informed were signed by over 200 adult Indians on that reservation. I am also appending a few letters and a clipping from the Shawano County Advocate.

If it is a fact that there has been a loss to the Indians in the neighborhood of \$1,500,000, I think it is high time that this matter be investigated and recommendation relative to future operation and management made to the Indian Bureau and to Congress.

Besides the milling operations, which are sufficient warrant for an investigation, there are many other matters that could be looked into by this commission. These other matters are very briefly stated in the resolutions submitted herewith.

Hoping that this commission will make a thorough investigation of conditions on the Menominee Reservation, and thanking you in advance, I am,

Sincerely, yours,

THOMAS F. KONOP.

SEPTEMBER 24, 1913.

HON. F. H. ABBOTT,
*Assistant Commissioner of Indian Affairs,
 Department of the Interior.*

MY DEAR MR. ABBOTT: Yesterday I received a statement of the operations at Menominee from your clerk, George A. Collins.

On page 2 of the statement I find an account of the receipts, disbursements, and an amount showing an excess of receipts over disbursements. I also find the number of feet of logs cut and hauled to the mill, the number of feet of timber manufactured, sold, and shipped, and other minor items. This statement does not give me the information I have desired. Let me know whether in the item called "disbursements for the year" is included any percentage for depreciation of the plant, any interest on the money invested, and also any stated amount per thousand for the logs.

Supposing that the 33,713,940 feet of logs that were cut and hauled to the mill had been sold at a small average of, say, \$10 per thousand. That of itself would net the Indian fund the sum of \$337,139.40. Considering the excellence of the timber on the reservation, I think that \$10 per thousand is a very small average. If nothing is allowed for the logs—that is, for the timber, for the raw material—there is certainly a great loss to the Indians.

My interest in this matter is to see that the mill at Neopit is run on a business basis and for the benefit of the Indians, not to their detriment. If nothing is allowed for the logs in the statement made, then the Indians are losing thousands of dollars every year by the operation of the mill. You state that the Indians receive an average wage of \$29.70 per month. If this does not include board, then the Indians are certainly getting low wages. The cost of \$13.05 per thousand for the manufacture of timber seems to me to be exorbitant.

What I would desire to get is facts and figures showing whether or not anything is allowed for the logs, anything for depreciation of the plant, any interest on the money of the Indians invested in the outfit.

Very truly, yours,

THOMAS F. KONOP.

DEPARTMENT OF THE INTERIOR,
OFFICE ASSISTANT COMMISSIONER OF INDIAN AFFAIRS,
Washington, September 22, 1913.

DEAR MR. KONOP: In accordance with a note sent me by Mr. Abbott, who is out of the city for a few days, I am inclosing you copy of Superintendent Nicholson's report on the Menominee project, which Mr. Abbott informs me he promised you.

Sincerely, yours,

GEORGE A. COLLINS,
Clerk to Assistant Commissioner.

Hon. THOMAS F. KONOP,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE ASSISTANT COMMISSIONER OF INDIAN AFFAIRS,
Washington, September 26, 1913.

MY DEAR MR. KONOP: Upon my return from Chicago this morning I found your note of September 24 asking for further information about the Neopit project. In order that I may get complete information from the records I am calling for the information you ask for from Mr. Nicholson, and will submit it to you promptly upon receipt of the same.

I can say to you now that in the statement shown to you there is an allowance made for interest and also for the logs. The exact and official statement of this will be included in my next communication to you.

Very truly, yours,

F. H. ABBOTT,
Assistant Commissioner.

Hon. THOMAS F. KONOP,
House of Representatives.

ANNUAL REPORT OF THE MENOMINEE LOGGING AND LUMBER OPERATIONS FROM JULY 1, 1912, TO JUNE 30, 1913.

The timber operations for the benefit of the Menominee Indians, known as the Neopit project, report for the fiscal year ending June 30, 1913, great progress, industrially as well as financially.

Neopit is a town situated on the Menominee Reservation, Wis., with houses of modern construction, electric lighted, and many of the conveniences not ordinarily on hand in new country. Here is situated a large sawmill with a capacity of cutting 150,000 feet of lumber daily, besides lath, shingles, crating, and other by-products of a lumber plant. This industry was established primarily as a school of industry for the Indians of the reservation and those near by. The town itself numbers over 900 people, composed of the white skilled and unskilled help and Indians employed in lumber industry. The investment represented in the plant is over \$1,000,000. Its products are sold in the open market of the country and proceeds are deposited in the Treasury for the benefit of the tribe. The town boasts of churches, schools for children, hotel, stores, and music hall for the people's recreation.

On this reservation is about 2,000,000,000 feet of timber—pine, hemlock, and hardwoods—which are cut on a basis of 40,000,000 feet annually, in line with forestry principles which are meant to insure a perpetual source of income for the Indians. This industry owns and operates its own railroad, about 35 miles of main line and branches, for purpose of bringing woods products to the mills. Employed in and about the

mills, yards, camps, railroad, etc., are many Indians, some in skilled positions, the greater part in unskilled, who are daily learning the value of daily employment, and, educationally, by contact with white neighbors, making progress in social and economic problems. A recital of total results based on figures from books of the operation for the year just ended might be of interest here.

Receipts for the year.....	\$802, 137. 67
Disbursements for the year.....	480, 944. 09

Making an excess of receipts over disbursements of..... 321, 193. 58
against \$98,346.71 for the year preceding

Logs cut in woods, hauled to mills.....	feet.. 33, 713, 940
Lumber manufactured and placed in yard for sale.....	do.. 31, 112, 471
Lumber sold and shipped.....	do.. 45, 198, 116
Lath sold.....	9, 703, 640
Shingles sold.....	1, 843, 250
Inventory of lumber on hand.....	27, 026, 034
Inventory of lath on hand.....	4, 643, 010
Inventory of shingles on hand.....	2, 707, 250

besides various other by-products—such as bark, pulp wood, cord and fire wood, crating stock, picket and slat stock. An average of 322 Indians have been in continuous employment during the year at an average earning of \$29.70 per month. It is interesting here to make a comparison of progress industrial in the Indian. The figures of last year show 220 Indians continuously employed, this year 271 Menominees, an increase of 23 per cent.

The total adult males of the tribe number 543. Of this 80 are of such age as to be not fit for manual labor and 55 not competent, through affliction, to do anything for self-support. This leaves 408 adults 18 years and over competent for daily labor. Of this number an average of 271 Menominees labored each working day during the months of January to May, 1913.

During the year some progress has been made in improving sanitary conditions of town, periodical cleaning up has taken place, new houses and cottages, bungalow style, have been built, water tested. Health conditions, as a result, notably improved. Traffic in liquor reduced to a minimum. Three steel lookout towers set up in forests for fire protection; a number of new homes for Indians projected or under way, which are paid for from reimbursable fund, and Indians repay same as rent or easy-payment plan.

Cost of manufacture per thousand reduced from \$13.64 per thousand in 1912 to \$13.05 per thousand in 1913. This should result in added increase and profit to the tribe. During the coming year this operation expects to devote considerable energy in improvement of home conditions. The remaining shacks in town will be torn down or remodeled and rebuilt with proper regard to light and air conditions. Two new schools opened, one a fine modern building, with assembly hall, conducted under Government supervision, the other under supervision of St. Joseph's Industrial School.

The planing mill has been enlarged to double its former capacity by installation of new engine, with increased horsepower, and new machines for finishing lumber.

Forestry work proper has received greatly increased impetus through assignment of a deputy supervisor of forests who has experimented in renewal of forests by planting to reforest burned over districts and established a nursery for propagation of nursery stock. Both above promise results. Cruises of the forests will be undertaken and three growth measurements taken with a view of definitely determining the annual growth of forests as well as obtaining exact information with a view to annual cut.

Forest damage has been reduced to a minimum, through careful patrol of the forest guards and installation of phone system. New roads and trails will be opened up for quick communication to reservation districts.

Attached hereto figures showing results in various phases of the operation.

Summary of log cut from July 1, 1912, to June 30, 1913.

Species.	Feet.
White pine.....	3, 814, 370
Norway.....	448, 140
Hemlock.....	22, 904, 930
Maple.....	1, 236, 200
Birch.....	2, 359, 750
Basswood.....	725, 520
Soft elm.....	81, 860
Cedar.....	1, 723, 930
Tamarack.....	233, 440
Oak.....	46, 090
Ash.....	112, 460
Beech.....	4, 590
Rock elm.....	9, 950
Spruce.....	7, 090
Other woods.....	5, 620
Total.....	33, 713, 940

Lumber, lath, and shingles manufactured July 1, 1912, to June 30, 1913.

Month.	Lumber.	Lath.	Shingles.
	<i>Feet.</i>		
July.....	2, 859, 224	646, 500	144, 000
August.....	4, 665, 337	1, 227, 000	
September.....	215, 402	98, 600	
October.....			
November.....			
December.....	1, 098, 249	297, 500	
January.....	3, 895, 350	1, 175, 500	
February.....	3, 248, 795	860, 000	
March.....	3, 872, 396	997, 500	
April.....	3, 802, 802	971, 000	494, 000
May.....	3, 687, 231	914, 500	1, 204, 000
June.....	3, 767, 685	906, 000	1, 242, 000
Total.....	31, 112, 471	8, 094, 100	3, 084, 000

Lumber sold and shipped July 1, 1912, to June 30, 1913.

Month.	Feet sold.	Amount received.
July.....	2, 733, 475	\$45, 031.42
August.....	4, 365, 127	60, 663.96
September.....	4, 412, 243	65, 745.41
October.....	5, 064, 614	71, 041.08
November.....	4, 720, 446	68, 114.93
December.....	3, 908, 163	56, 667.13
January.....	4, 161, 718	58, 958.21
February.....	3, 396, 182	46, 291.42
March.....	3, 616, 538	49, 838.37
April.....	2, 858, 627	46, 994.52
May.....	3, 050, 240	55, 235.18
June.....	2, 910, 743	45, 443.53
Total.....	45, 198, 116	670, 025.16

Average per M, \$14.82.

Lath sold and shipped July 1, 1912, to June 30, 1913.

Month.	Feet sold.	Amount received.
July.....	1,073,700	\$2,208.10
August.....	2,331,750	5,217.86
September.....	928,000	2,295.66
October.....	721,250	2,201.65
November.....	739,350	2,217.07
December.....	252,250	928.48
January.....	247,050	656.16
February.....	477,600	1,431.57
March.....	669,850	1,909.20
April.....	335,600	1,074.18
May.....	1,477,850	4,265.75
June.....	449,390	1,255.08
Total.....	9,703,640	25,660.76

Average per M, \$2.64.

Shingles sold and shipped July 1, 1912, to June 30, 1913.

Month.	Feet sold.	Amount received.
July.....	76,500	\$91.81
August.....	222,000	521.26
September.....	358,000	892.88
October.....	142,500	287.65
November.....	90,000	108.64
December.....	11,000	22.97
January.....	28,000	29.32
February.....	54,000	72.90
March.....	189,250	477.44
April.....	119,000	296.80
May.....	69,000	138.05
June.....	484,000	1,124.30
Total.....	1,843,250	4,064.12

Average per M, \$2.20.

Lumber used in construction July 1, 1912, to June 30, 1913.

Month.	Feet used.	Amount charged.
July.....	108,186	\$1,392.03
August.....	164,997	1,830.86
September.....	122,241	1,639.31
October.....	198,159	2,482.55
November.....	230,983	2,302.63
December.....	26,003	330.96
January.....	59,483	831.35
February.....	31,323	393.22
March.....	103,973	936.87
April.....	43,579	620.75
May.....	139,560	1,436.38
June.....	70,971	786.55
Total.....	1,299,458	14,983.46

Average per M, \$11.53.

Lath used in construction July 1, 1912, to June 30, 1913.

Month.	Feet used.	Amount charged.
July.....	16,000	\$22.5
August.....	35,250	47.1
September.....		
October.....	15,500	20.77
November.....	2,300	3.08
December.....	1,000	1.34
January.....		
February.....	250	.55
March.....	750	.90
April.....	300	.36
May.....	150	.18
June.....	11,000	14.74
Total.....	82,500	111.62

Average per M, \$1.35.

Shingles used in construction.

Month.	Feet used.	Amount charged.
July.....	128,000	\$194.58
August.....	69,750	103.86
September.....	19,000	18.86
October.....	43,500	42.52
November.....	18,000	19.69
December.....	4,000	3.76
January.....	3,000	3.00
February.....		
March.....		
April.....		
May.....	7,000	7.00
June.....	28,500	41.19
Total.....	320,750	434.46

Average per M, \$1.35.

Lumber, lath, and shingles on hand in yard June 30, 1913.

	Feet.
Lumber.....	27,026,034
Lath.....	4,643,010
Shingles.....	2,707,250

Receipts and disbursements July 1, 1912, to June 30, 1913.

	Receipts.	Disbursements.
July.....	\$56,058.11	\$40,671.69
August.....	70,681.43	42,997.13
September.....	96,789.12	31,935.71
October.....	75,236.84	33,455.14
November.....	74,613.53	32,791.72
December.....	58,741.88	41,918.80
January.....	77,373.82	56,767.50
February.....	51,718.41	25,470.78
March.....	60,147.27	40,491.68
April.....	69,394.69	38,499.31
May.....	64,899.18	42,316.66
June.....	46,483.39	¹ 53,627.97
Total.....	802,137.67	480,944.09

¹ \$25,000 of this amount is estimated as the pay roll for June.

Excess of receipts over disbursements, \$321,193.58.

MILWAUKEE, WIS., November 29, 1913.

HON. WILLIAM H. STAFFORD,
Washington, D. C.

DEAR STAFFORD: It is rumored at the Menominee Indian Reservation that the congressional committee is coming on to investigate the affairs of the tribe. Can you give me any information as to whether such a committee has been appointed; and if so, about when it will arrive, and if you know any members of the committee will you have the kindness to tell them that I am half-breed Menominee and take a deep interest in all the affairs of the tribe, and that I desire, if possible, to be present at their sessions?

Very truly, yours,

W. J. KERSHAW.

COMMITTEE ON THE POST OFFICE AND POST ROADS,
 HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 3, 1913.

HON. JOSEPH ROBINSON,
*Chairman Select Congressional Committee,
 Investigation of Indian Affairs, Washington, D. C.*

DEAR SENATOR: I submit herewith a letter from Mr. William J. Kershaw, practicing attorney at Milwaukee, who is directly interested, as a half-breed Menominee, in your investigation, so far as the Menominee Indian Reservation is concerned. I wish you would kindly place his letter on file and if you can consistently arrange to have him notified, in due season when and where you will give consideration to the affairs of this reservation, I would be greatly obliged.

Very respectfully,

WILLIAM H. STAFFORD.

DECEMBER 6, 1913.

MR. W. J. KERSHAW,
Cawker Building, Milwaukee, Wis.

MY DEAR SIR: Your letter to Hon. Wm. H. Stafford has been forwarded to me with the request that you be given information as to when the above commission will investigate conditions on the Menominee Indian Reservation.

The commission has not determined the subject-matter of your inquiry up to the present time. If, however, it is hereafter determined to undertake the work there, you will probably be notified.

Yours, truly,

JOE T. ROBINSON, *Chairman.*

DECEMBER 18, 1913.

HON. C. D. CARTER,
House Office Building, Washington.

DEAR MR. CARTER: I have written Mr. Dennison Wheelock, whose letter you refer to me, that it can not now be told when the commission will visit the Menominee Reservation.

Yours, truly,

JOE T. ROBINSON, *Chairman.*

DECEMBER 18, 1913.

MR. DENNISON WHEELOCK,
West De Pere, Wis.

MY DEAR SIR: Replying to your letter to Mr. C. D. Carter, which has been referred to me, it is impossible at this time to inform you when the Joint Commission to Investigate Indian Affairs will visit Wisconsin. We are overwhelmed with work, and in addition the presence of the joint commission is now required in Washington in the disposal of the currency bill and other important legislation. As soon as the commission determines to visit the Menominee Reservation I will probably notify you.

Yours, truly,

JOE T. ROBINSON, *Chairman.*

COMMITTEE ON REFORM IN THE CIVIL SERVICE.

HOUSE OF REPRESENTATIVES UNITED STATES,

Washington, D. C., December 16, 1913.

MY DEAR SENATOR: Herewith I hand you some correspondence, which is explanatory.

Mr. Page is in charge of the Indian Employment Division of the Indian Bureau, and I have written him that this matter would be referred to you.

Yours, truly,

C. D. CARTER.

SENATOR J. T. ROBINSON,

Washington, D. C.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

SUPERVISOR OF INDIAN EMPLOYMENT,

Washington, December 11, 1913.

CONGRESSIONAL INVESTIGATING COMMITTEE.

MR. CARTER: Mr. Wheelock is an Oneida Indian and is reliable. He is on the legal aid committee of the Society of American Indians. Would be glad to have you furnish him the information desired if O. K. with you.

Cordially,

DAGENETT.

WEST DE PERE, WIS., *December 5, 1913.*

MR. CHAS. E. DAGENETT,

Care of Indian Office, Washington, D. C.

DEAR SIR: Will you please find out and let me know about when the congressional investigating committee expects to visit the Menominee Indian Reservation. I saw some of the officials last night and they told me they were expecting them soon. I want to go and hear the testimony and assist in the examination if I can.

Yours, truly,

DENNISON WHEELOCK.

FEBRUARY 18, 1914.

HON. THOS. F. KONOP,

House Office Building, Washington, D. C.

DEAR MR. KONOP: I am in receipt of your letter of the 17th instant, inclosing letter from Mrs. D. B. Edick, a Menominee Indian.

I shall be glad to confer with you at an early date in respect of Menominee Reservation.

Yours, truly,

JOE T. ROBINSON, *Chairman.*

COMMITTEE ON EXPENDITURES ON PUBLIC BUILDINGS,

HOUSE OF REPRESENTATIVES, UNITED STATES,

Washington, D. C., February 17, 1914

SENATOR ROBINSON,

Chairman of the Commission to Investigate Indian Affairs,

Senate Office Building, City.

MY DEAR SENATOR: I am inclosing to you herewith a letter from Mrs. D. B. Edick, a Menominee Indian. Mrs. Edick states the case briefly, and I think it is high time that your commission investigated the conditions at Neopit.

Hoping that something will be done in the near future, I am,

Sincerely, yours,

THOMAS F. KONOP.

Ondro, Wis., February 11, 1914.

Hon. THOMAS KONOP, M. C.,
Washington, D. C.

DEAR SIR: You will pardon the liberty I take in bringing to your notice at this time a matter that concerns myself and children and all the Menominee Indians. We are members of the Menominee Tribe and are enrolled, and under the conditions obtaining prior to 1907 were drawing an annuity of about \$125 per annum, which was derived from the interest on the Menominee Indian funds.

These payments or annuity have averaged about \$35 per annum since the La Follette bill passed and operations at Neopit commenced.

In 1907 we had in round numbers \$2,900,000 in money. In October, 1913, we had \$1,900,000, a difference of approximately \$1,000,000 less in cash. The mill has been in operation six years, and has had the advantage of the handiest and best timber and to date has shown no profit, but a decided loss.

To give some idea of the conditions, will give you an approximate statement which can be verified to odd dollars and cents:

Money on hand October, 1907.....	\$2, 900, 000
50,000,000 pine stumpage, at \$12.....	600, 000
55,000,000 bass, birch, and elm, at \$8.....	440, 000
70,000,000 hemlock and maple, at \$3.....	210, 000
Total.....	4, 150, 000
As per report from agency at Neopit.....	3, 300, 000
October, 1913, loss.....	850, 000
Money on hand.....	1, 900, 000
Mill, railroad lumber, and all credits as per agent's report.....	1, 400, 000
	3, 300, 000

The above figures are very conservative as to amount and stumpage price. You can readily see that, if this state of affairs continues, in a short time we will have nothing but slashing left, with a worn-out mill on our hands, and a depleted fund. Now, I would suggest an investigation by disinterested men that are posted on timber prices and conditions and a thorough examination of the books and accounts at Neopit by an expert accountant.

An honest investigation will show that they have cut over 200,000,000 feet of timber, which, at present prices, would be worth \$2,000,000.

There have been several so-called investigations. The report of committees have been favorable to the management or agent. As near as I can learn they have taken the agent's own statement and figures for the basis of their reports.

Considered as a business proposition, the present operation is a decided failure, and will be as long as it is left to the present management, or, rather, mismanagement.

The only remedy, if there is one, is to sell mill and timber while it is salable. It seems too bad to see our inheritance wasted in this manner.

There are a large number of the tribe who are educated and have the training that would enable them to become self-supporting and good citizens and would be in favor of an allotment of land and money to help them in their uplift. What is the use of this money if not to be used toward help to a more useful and higher intellectual life or to be allotted in part, and those that are unable to take care of themselves be wards of the Government, as at present?

I am getting along in years, and would like to make good use of at least part of what is coming to me. We have seven sons ranging from 31 to 11 years. The two oldest took all they could at an Indian school, and two years I have sent them to college without help from the tribe, and are good, sober men.

The next two are 25 and 23. One has a fine position as a manual-training teacher at a fine salary. The other is doing fine work as an architect. We have three yet to educate. But this is to prove that there are those who are capable of caring for themselves and their inheritance. I'd be the proudest mother in the world if I could be instrumental in helping them to their share in the reservation, thus enabling them to a higher education and becoming useful and influential citizens of our great Commonwealth.

Thanking you in advance for any favor you may be able to do us in this matter, and asking you to give it your attention at your earliest convenience.

Just a moment. I want to say the last payment was made last April, 1913, of \$12.50 apiece. I'm afraid the very old men and women could not dress very warmly on that. Those are the ones that are suffering. So I pray this may all be adjusted right soon.

I remain, yours, very truly,

Mrs. D. B. EDICK.

DEPARTMENT OF THE INTERIOR,
OFFICE ASSISTANT COMMISSIONER OF INDIAN AFFAIRS,
Washington, February 21, 1914.

Hon. JOE T. ROBINSON,
United States Senate.

MY DEAR SENATOR: This letter will introduce Rev. Sherman Coolidge, president of the Society of American Indians; Mr. J. W. Kershaw, a leading attorney of Milwaukee, Wis.; and Mr. Charles E. Dagenett, supervisor of Indian employment in the Indian Service. These gentlemen are among the leading and progressive Indians of the United States, and are sincerely interested in the promotion of the welfare of their people. They are also interested in the Robinson bill.

Sincerely, your friend,

E. B. MERITT.

MARCH 10, 1914.

Mr. A. A. BREUNINGER,
Flandreau, S. Dak.

DEAR SIR: Your letter of February 23, 1914, was duly received. It shall have due and careful consideration. I thank you for the submission of this information.

Yours, truly,

JOE T. ROBINSON, *Chairman.*

UNITED STATES INDIAN SCHOOL,
Flandreau, S. Dak., February 23, 1914.

Hon. J. T. ROBINSON,
United States Senate.

DEAR SENATOR: I am heartily in accord with the letter of Mr. William E. Johnston, former chief officer, United States Indian Service. More especially the paragraphs Nos. 15 and 16.

I am submitting to you, for your careful consideration, an article that I wrote up for a newspaper, giving a personal account of the affairs of the Menominee Indian Reservation, of which I am at present an exile, made so by one A. S. Nichol森, superintendent of said reservation. This article was written some three years ago and I have no personal knowledge, since my exile on August 3, 1910, of the affairs transpiring there since.

I got in bad with former superintendent Edgar A. Allen, when I worked persistently for the reestablishment of my tribal rights. The administration seemed loth to have a man so independent as I be, that I would enlighten the Indians in the administration of their affairs and cause dissension among them, and therefore "for the good of discipline" such men as I should not be permitted to be on the rolls, unless we bowed the knee to Baal.

When A. S. Nichol森 was "appointed" head of the Menominee affairs, I supposed that he was advised to look out for the men that are "educated," "half breeds," etc. Consequently I was one of them that was singled out, and all the persecutions that could be at the command of this man Nichol森 was used. He petted some of the Indians and aroused their jealousy by telling them that I was trying to bring a lot of outsiders on the reservation and had them make complaint in writing to whatnot, and on August 3, 1910, he called me to his office at Keshena, Wis., and then and there discharged me from the reservation under the charge that I did not furnish bonds in the sum of \$10,000 to do business (upon my own reservation) on the reservation. As I have stated, he used every power and cunning to his knowledge and command to ruin me financially and otherwise. He would not allow me to take my set of band instruments from the reservation, but allowed the Indians to use them and destroy them, as I have testimony or evidence to show. I was put off the reservation without a penny and not allowed to collect a cent for my labor, and loafed over the country, as I have a diary to show.

My attempts to get justice at the hands of this tyrant and the Indian Office failed, I searched up a law in Washington (the act of June 25, 1910) under which I had a right to file on public domain land. When my application reached the General Land Office with everything O. K. and A1, that office referred it to this tyrant, A. S. Nicholsen, and I suppose that he said now is another time for me to get revenge upon this "disturber" of the peace and tranquillity of this reservation, and immediately held the application for rejection. I was given 30 days to make an appeal, I did so, furnishing gilt-edge evidence, and yet they turned my application down just because this Abbott-appointed tyrant, A. S. Nicholsen, had written his disapproval across it. This one little incident will show you and your committee, my dear Senator, how the Indians of these glorious and free United States are absolutely robbed of "liberty and justice."

Not only was this tyrant Nicholsen, who had the absolute backing of (Abbott) the Indian Office, dissatisfied with his work he done against me, but he set up a series of persecutions for my poor father.

On January 18, 1911, my father, William L. Breuninger, was placed in the county jail, being unable to give bond in \$200. When I learned about the matter and wrote the United States district attorney at Milwaukee and the Secretary of the Interior about the matter on May 2, about four months after he began to lay in jail, he was released a free man, but still this Abbott-appointed Nicholsen was after my father's hide, and unbeknown to me they had him sent to the Milwaukee House of Correction. He complained to me when I saw him in this place, that he was placed there about November 13, 1911. My father was never in prison during the former 67 years of his life. He has an honorable record and is a pensioner of the Civil War. This has been a great mental blow to him as well as jeopardizing his health, and humiliating him in a great many other ways. Money can not buy or eradicate the stain that has been placed upon this man's character.

He was charged with giving liquor to Indians in "the Indian country" to which charge evidence will show that he was not near an Indian reservation or the "Indian country." I was poor and could not afford to swear out a writ of habeas corpus, if I could I am sure he would have been vindicated. Thus, this tyrant, Abbott-appointed Nicholsen had all power over me. As the white man has access to the machinery of the law and the Indian has none, the latter must submit to "the inevitable."

Hoping that your honorable committee will find material here that may help you in your work of investigation, and being always at your command in whatever capacity that I may serve you, I beg to remain, very humbly,

Yours,

AUG. A. BREUNINGER.

("Un-a-quah," a mixed-blood Menominee.)

EXCLUSIVE (BY UN-A-QUAH).

Under the Pinchot administration as Chief Forester of the United States Forest Service, "there was reckless and almost wanton waste of the Indian money—something like over \$700,000—during the time" that the timber operations of the Menominee Indian Reservation was under its charge in the State of Wisconsin. This work was done under the act of March 28, 1908, commonly called the La Follette Act.

This reservation is located in the eastern and middle portion of Wisconsin, and comprises 10 townships, containing about 230,000 acres of land, which was set apart for the Menominee Tribe of Indians, numbering some 1,500 people. Most of the inhabitants of this reservation reside in or around Keshena, where the agency is located, or in the eastern portion of the reservation. The four western townships are estimated to contain 950,000,000 feet of standing timber, and the balance of the reservation is estimated to contain 506,000,000 feet of standing timber, making a total of 1,456,000,000 feet of standing timber in all.

Mr. S. J. Coulter, chief of eighth division of the Land Office, goes on: The records of the Indian Office show as a result of the logging operations conducted upon the above reservation under the act of 1890, that the profits to the Indians in 1890-91 were \$155,926.13, and for the season of 1906-7 the earnings were \$229,911.29, and that the total earnings under this system from 1890 to 1908 were \$2,542,496.23, making an average profit per thousand feet of \$8.65. Figuring the standing timber at 1,456,000,000 feet at a profit of \$8.65 per thousand would make a total profit of \$12,594,400.

The records of the Indian Office further show that there were on hand in the Menominee trust fund at the beginning of the operations of 1908, \$3,000,000. Add this to the profits to be made in the future from the timber standing, and you get approxi-

mately \$15,000,000. If the money should be divided at the end of the cutting there would be about \$40,000 for each and every man, woman, and child on the Menominee Indian Reservation, or if the funds were left in trust, drawing 5 per cent interest in the future as in the past, there would be approximately \$750,000 in interest, which would make a yearly payment of \$500 to each man, woman, and child. Certainly it would seem that the Menominee Indians were well provided for, both for the present and the future; and there would seem to have been no necessity for any change by the Government in the methods of handling this timber. The Government, as guardian for the people, certainly would not be justified in making any changes until such time as it had been thoroughly demonstrated by practical men that there was absolute certainty of greater profit to the Indians by any new method of selling or manufacturing their timber which might be agreed upon.

On July 16, 1905, there was a heavy windstorm on the Menominee Reservation, which blew down a great deal of timber. This windstorm marks a change in the method of dealing with the trust fund and the property of the Menominee Reservation by the Government, which, in my estimation has not been for the best interests of the Indians, and if persisted in will eventually cause them great material loss.

The Interior Department felt called upon to take some action to take care of this blown-down timber, so as to not have resulted in a total loss to the Indians. There seems to be only a muddled report or history and a seeming "jangle" over the different "policies" introduced and legislative procrastination, until there is nothing definite being done up to about January 22, 1908. On that date it seems that the Bureau of Forestry undertook to take care of this timber, and in accordance with an agreement signed on said date by the Secretaries of the Departments of the Interior and Agriculture, but no move was made by the Forestry Bureau, so far as it is able to be ascertained from the records, until on or about March 10, 1908, when the Bureau of Forestry sent its representative, Edward A. Braniff, a recent graduate from the school of forestry of Yale University, a man with a very limited experience in the lumbering business, as shown by his own statement, as given to Mr. James A. Carroll, of the Indian Bureau, said experience being limited to supervision of the cutting of some timber by the Kirby Lumber Co., of Texas; but nowhere can I find that the superintendent sent by the Forestry Bureau to handle these extensive operations contemplated under the act of March 28, 1908, had ever had any experience in the manufacture of lumber, the erection of sawmills, building of railroads, improving of streams, or the selling of the output of a big manufacturing plant, such as was lately erected at Neopit, Wis.

It therefore must have been contemplated by the Bureau of Forestry that these operations should have been conducted from the bureau's headquarters at Washington, D. C., by its more experienced lumbermen, as the correspondence at the Neopit office discloses that such was the case, as Braniff, the superintendent, was frequently overruled by the office of the Bureau of Forestry. It must be conceded that the proposition that confronted the Bureau of Forestry in March, 1908, was such that would warrant the placing in charge of these operations a man of many years' experience and of recognized ability to grasp the situation and to provide a plan that would take care of the timber already cut, so that its value might be saved to the Indians, who are the wards of the Government; but such was not the case in the selection of a man by the Forestry Bureau, as the plan adopted by said bureau clearly indicates that the main object of this emergency act was relegated to the rear and a plan adopted for permanent improvements for future operations on this reservation. Under this permanent improvement plan the forest officer in charge had some "grounds" for a larger expenditure of the large funds thus at his disposal. After spending considerable money in erecting a frame for a mill at one site and clearing another site, the Forestry Bureau abandoned said sites and the improvements thereon and selected an entirely new place for the location of a permanent plant, and began laying out a townsite called Neopit, on which there was expended a large amount of money, and included the erection of a sawmill plant at a cost of \$254,719.45. On page 900 of the committee records of the hearings made to the subcommittee that investigated the Wisconsin Indians, Mr. Braniff says: "There were three mill sites picked out here as locations for the construction of sawmills. They were supposed to be small, portable mills. After the act of March 28, under which this work has been done, I changed that plan, and instead of putting in portable mills, advocated putting in one central plant at Neopit, which was one of the mill sites. So I am, in a measure, responsible for the location of this large plant at Neopit."

It is almost impossible, in the short space of a newspaper article, to go into detail and furnish statistics and all the data in this case, but to refer to only the more important. Mr. S. J. Coulter's report, the subcommittee on Indian Affairs, and other records are too voluminous to put forward, but enough material is in these reports, from which only brief extracts have been taken, to convict any man for misappro-

priating Government funds, and this committee ought to be called upon to report this matter to Congress and let it act upon it. These hearings have been laying there now going on two years, and nothing has been done.

The report is that I find from the records in the office at Neopit that the item of stream improvements, amounting to \$32,268.81, can not be explained by the bookkeeper, except that when he entered upon his duties as bookkeeper in July, in 1908, the superintendent for the Forestry Bureau refused to permit him to open a regular set of books and itemize the expenditures under this and other heads, but directed him that when certain bills would come in which could not be accounted for under other heads to charge same to "Stream improvement."

From the examination of these streams and from reliable information furnished by the Indians and whites who were present when these alleged improvements were made, it can not be conceived how any such amount of money could have been expended in improving these streams, and it seems certain that either the Bureau of Forestry was astounded at their extravagance in other channels and used the stream improvement head as a clearing house, so that their extravagance might not be noticed by the Interior Department, or else a part of this money charged to this improvement was never actually paid out for the project in question.

The plant and yard erected at so great a cost to the Menominee Indians is to be used for the future, and the mistakes of the Bureau of Forestry in this respect will have to be contended with by the other departments of the Government should these operations be continued, and at a great loss to the tribe. The mill is located on the north side of the river, and the place originally selected for the lumber yard was a small point of land surrounded on the south by the river and on the north by a slough. This point of land is capable of holding about 1,000,000 feet of lumber when properly piled, while a yard necessary for the cut of a mill of this size should be capable of holding at least 50 or 60 million feet of lumber; and later on when the Bureau of Forestry discovered that the yards as selected by them were incapable of taking care of any such amount of lumber, they were forced to select the slough as above referred to as a yard in which to pile the lumber; and as the Norway dam had backed up the water into this slough to the depth of from 2 to 10 feet it became necessary to drive piling on which to pile the lumber, and all lumber so piled, except hemlock, is practically rendered unsalable at full market value on account of the moisture and by steam from said marsh; this in a measure necessitated the large expenditure of building a yard amounting to more than \$56,000; while on the south side of this river the mill could have been erected and a lumber yard planned that would have been capable of handling any amount of lumber, where no marsh exists and which is an ideal spot for a lumber yard and which would not have cost to exceed \$3,500.

The record discloses that in tramways and in foundations in this yard 2,192,000 feet of lumber was used, which at that time was worth \$32,880, and it is a well-known fact that lumber of this kind will have to be replaced on an average of every four or five years. It is certainly convincing that lumbermen, business men, and even Indians in the State of Wisconsin are thoroughly satisfied that such a mistake could not have been made except by one absolutely ignorant of the manufacture of lumber and the uses of a lumber yard. Some of the Menominee Indians stated that if the Government had any more experts from the school of forestry of the Yale University they did not want them sent to their reservation to get their experience in the manufacturing of lumber from the timber belonging to their tribe.

Satisfaction is expressed that any practical lumberman being confronted with the same problems that confronted the representatives of the Forestry Bureau in March, 1908, would have made immediate plans to take care of the timber already cut and the hoisting from the river of all nonfloatable timber rather than to spend over \$50,000 in stream improvements, which in the future would become a total loss and which the records have shown resulted in a loss of nearly 25 per cent of the logs cut from the blown-down district.

The records at the office at Neopit also show that the Bureau of Forestry made improvements on what is known as the Phlox Road and spent thereon the sum of \$29,417.95; or, in other words, made a boulevard from Neopit to the west end of the reservation, and on the road running east from Neopit to Keshena for a distance of 1½ or 5 miles the same bureau spent the sum of \$10,954.79, or a total of \$40,372.74.

The Phlox Road, before its improvements by the Bureau of Forestry, had been used years and years by the lumbermen as a tote road driveway, and with the exception of cutting out a few windfall trees could have been used by the foresters in any of its logging operations at Neopit, except, of course, as a logging road which to-day it is as equally unfit for on account of the grades. The road to Keshena also had been used many years by the lumbermen and the Indians, and it can not be conceived of no

reason whatsoever that this bureau should have squandered this \$40,372.74 for these improvements.

The records show that in every department of these lumbering operations as conducted by the foresters there is to be found evidence of gross extravagance on the part of the management, such as in the purchase of horses, logging sleighs, and to-day these logging sleighs and wagons may be found scattered over the reservation in great numbers and apparently there exists no use for so large a number of the vehicles. There are log loaders, known as gasoline mine hoists, which are worthless for hoisting logs and should not have been purchased for logging operations and which, at the present time, are discarded by the management of the Neopit mill.

All of these expenditures were entirely sanctioned by Mr. Gifford Pinchot, the then Chief Forester, as shown by his letter to the Commissioner of Indian Affairs dated December 22, 1908, in which he says, in part: I believe that the bulk of the expenditures on the Menominee Reservation has been justifiable and in accordance with what any business firm of ordinary prudence and large capital would have done. The Forest Service has considered the work on the Menominee as permanent, and the expenses for the mill, roads, stream improvements, and buildings have necessarily been somewhat higher than if the operations were to be confined to a short period.

Rumors and reports of how the foresters were robbing the Indians became so numerous in Shawano—about 20 miles from Neopit—and even in cities like Green Bay, Oshkosh, and Milwaukee, that the Progressive Indian Association of Shawano, Wis., composed of half-breeds and educated Indians, decided to place a man in the field to corroborate these statements.

August A. Brenninger, secretary of this association, was detailed to seek employment as a common laborer. He applied for work in February, 1909, and was given a job and went to work. At the annual meeting of this association last July, 1910, he made the following report about his work and treatment that he received under the foresters:

Pursuant to the plans of this association, I applied at Neopit for work and was given a job. I was placed in a crew that were laying timbers on the piles that had been driven down in the marsh through the ice, after holes had been cut in the ice so as to admit them. This crew might be termed the "reserved crew," as it was from this crew that the mill "push" would take the men that he needed in the mill, and when new men applied for work they were placed in this crew.

As the law in the act reads that they "employ none but Indians, in so far as practicable, upon said reservation in forest protection, logging, driving, sawing, or manufacturing into lumber," and any other work that was to be done, I thought that as I was an Indian that I would be given preference over white men in this crew, but not so. Nearly every time a man was wanted from this crew a white man was picked out. No cognizance was ever taken of my work and faithfulness or any other fitness that I may have had.

I worked along, attending to my business, until pay day in April. When I drew my check I was short five days' pay. I went to the office and made complaint, but they told me that they had nothing to do with the time and for me to see the timekeeper and let him correct my time. I saw him, but he would not listen to my way of keeping time, and as I had no appeal for an investigation, I had to abide by his decision. On day I saw him outside I went up to him and said, "See here, Jones, what made you dock me five days last month?" He said, "I didn't see you at work." I said, "You just took a notion to dock me so that I would quit; it is your trick to discourage the Indians so they won't work any more. I want to tell you that you may have your say now, but I think that I will have something to say later on; I'm not working here for wages alone," and I snapped my finger in his face and walked away.

After finishing the laying of these timbers on these tramways, our crew were placed to grubbing on the "small point of land" formerly intended for the pile yard. This point of land was gone over as I counted, first by a crew of men who cut down the timber, burned the brush; then by a crew who "snaked" off the logs; then a crew went over it and cut the stumps down even with the ground; then a notion took hold of the "push" that this was not satisfactory, so he sent another crew over the same ground and blasted the rest of these stumps out with dynamite; another crew went over and grubbed out what roots that there were left by the dynamite; after that they sent over teams with scrapers and scraped off the top. Finally the "wood butchers" were ready to lay the timbers and build the tramways ready for the lumber pilers. I could never figure out the cause of all this expense and work, unless it was to keep these men busy in case of a shortage of men in the mill. They knew that the Indians would not stand for the treatment that they "handed out" and that these men would come in handy.

One morning, while working in this crew, the foreman came to me and ordered me to take my shovel and go to one of the forester's houses and do some dirty work for

him. I nearly balked at this turn of affairs, but as I was there to get all that there was "coming to me," I went to his house and did work that is not fit to put on paper, which was of no benefit to the tribe and work that he himself could have performed. When I drew my check at the next pay day it was marked "Menominee log fund," showing that the tribe paid for me doing private work. I thought that this was getting pretty close to slavery.

Either in May or June E. A. Braniff, forest officer in charge of the Indian Mills, employed, as I learned later, a lumber inspector by the name of D. Reed, of Antigo, Wis. I noticed him about the mill and yards, but did not know his name or business, as the Indians are not supposed to know anything about their business affairs, so I supposed that he was some lumber buyer inspecting the lumber that his company wished to purchase.

One day I was informed by a man who did not dare to let his name be known for fear that he would lose his job that this inspector had left and that he said a great many bad things about the mill. I searched around until I found his address, secretly, and went to Antigo to see him. It was either on the first or second of July, 1909, that I arrived in Antigo and began a search for Mr. Reed. I didn't have much trouble to find him, and I remember, as I was nearing his place, and on seeing him out in his garden, of pondering in my mind what to say or how to begin my interview. I walked up to him and said: "Beg pardon, but can you tell where So-and-so lives?" He stopped hoeing and leaned on his hoe handle and told me where I might be able to get the desired information. I asked: "Didn't I see you at the Indian mills at Neopit?" "Yes; I was lumber inspector there, but quit," he said. "What do you think of the mill and plant?" was the next question that I fired at him. "I'll tell you what I told the superintendent of those mills, while there, when he asked me the same question," said he, "that is, that it is next to the biggest slaughterhouse in the world, the other being the Chicago Stock Yards."

I finally confessed to him that I had been sent there to interview him, and asked if he would give me an affidavit. He said whenever I meant business that he would, and even would go on the witness stand.

He told me, in substance, that Braniff had wanted him to shoulder all the responsibility of the manufacture of that lumber and vouch for its marketability, but he told Braniff that he would try the position for a while, and that if he could get the two head sawyers, the two edgemen, and the tail sawyer to work with him to help him put out dimension stuff he would stay, but if he could not then he would leave at the end of the month. He told me that he was not going to jeopardize his 20 years' reputation for a little old salary like that. "Do you think that I would stand there before those lumber buyers, most of whom knew me by sight or reputation, and shoulder all the responsibility of the cutting of that lumber? No; not me."

He said one day he pointed out a pile of lumber that had been sawed in all kinds of shapes to the foreman, and remarked that most of it was undimension stuff and had to be handled again before it could be manufactured. The foreman wanted to know what was the matter with it.

"Look at it," says the inspector. "Some are thicker at one end than at the other; some 11 inches, some 9 inches and so on." The foreman replied: "Who in h—l's going to look at every one of these boards?" "D—n f—l," said the inspector, "he didn't know that they hired me for that purpose."

He told me that about 75 per cent of the lumber that they had cut was unfit for market or manufacture, and must be handled again before it could be made into dimension stuff and manufactured; that every handling meant 25 per cent added to the cost of production. And that he tried hard to get them to cut dimension stuff but found it impossible. He said that he advised them to shut down the mill and put everything into good repair; they did, but things were just as bad. The fact was they didn't know what to do. They asked the inspector what was the matter; he replied that they were not cutting dimension stuff. The superintendent wanted to know why, and got the answer that the saws and machinery were not set right; he was asked if he could fix it. The reply was that he was a lumber inspector, not mill foreman.

My work ran along pretty smoothly until in the month of August; in that month they docked me another four and a half days' wages. About this time a subcommittee from the United States Senate came there to investigate the mill. After Braniff's trial before this committee, it is said that he resigned, but the Indians say that he shipped all of his things by rail and he and his family made their escape through the woods, by team, at night. I don't know how he left exactly, for no one knew, because the Indians were ready to hoot him out of town. This senatorial committee that was appointed under Senate resolution No. 263 to investigate all the Indians in Wiscon-

sin, covered this mill pretty thoroughly in its investigation and the hearings can be found between pages 893 to 1095 of the committee records. The question now is, Will the "hearings" of this committee ever be brought before Congress for "final report of such committee and action taken thereon by Congress" as stipulated in the resolution?

When the new administration was installed at Neopit I put in a bill for my loss of time and threatened to bring the matter up before the Indian council, but it was unnecessary, as the authorities made a settlement with me for \$15.45.

All kinds of discouragements were thrown in the Indians' way so as to get convincing proof that they were incapable of handling their own affairs. Last winter some of the Indians were given contracts to log; they made big preparations and were doing fine in their logging. Along in the spring, just as sleighing was good, and when they had their logging roads in the best of condition, orders came stopping their contracts and forbidding them to further log. These Indians were held up to the department as incapable of doing their own logging. Who could log at a profit with such obstacles placed in their way?

This spring, while I was in Washington, D. C., on some business, my attention was called to a letter printed in the New York Evening Post, which was signed "Yale," but which I believe was written by Braniff, to give the general public the opinion that this subcommittee of the Senate found his work all O. K. It is as follows:

"To the EDITOR OF THE EVENING POST: As I know that it is your intention, and always has been, to treat every subject in your news and editorial columns with impartiality and fairness, I take the liberty of writing you in regard to an editorial which appeared in the Evening Post, Monday, the 9th, as to Mr. E. A. Braniff's administration of the lumbering projects on the Menominee Indian Reservation.

"In the first place, I desire to call your attention to the fact that your editorial was largely based on the reports of Mr. Coulter, a special agent of the Interior Department, and Mr. Valentine, Commissioner of Indian Affairs. Mr. Coulter's report was made at the instance of the Secretary of the Interior since the congressional investigation began. Coulter is neither an expert accountant nor a lumberman, and his report is almost grotesque in its inaccuracy and was obviously made for the purpose of discrediting the Forestry Service, and not for the purpose of getting at the facts in the case. For instance, Coulter's report charges, as a partial loss to the Indians, most of the money expended by Braniff in building the mill, installing electrical light and power, constructing roads, and improving streams for driving. He also says that the Forest Service has incurred a loss to the Indians by manufacturing lumber from blown-down timber, not explaining that in using this timber the Forest Service was merely preventing the total loss which would have resulted if these logs had not been worked up.

"The Menominee lumbering projects have been investigated by a subcommittee of the Committee of Indian Affairs of the Senate. Members of this committee went to the reservation and looked over Braniff's work and came back thoroughly convinced of its efficiency and usefulness. Senator Page, of Vermont, was a member of this committee. He is an expert lumberman. It is his opinion, considering the amount of timber to be logged and manufactured upon the Menominee Reservation, that the expenditures for the mill, the buildings, houses for officers and men, the hotel, and everything about the plant at Neopit, were entirely justified, and that, with the exception of one or two details, namely, the position of the pile yard and the arrangement of some of the tramways, Braniff did not spend a dollar in any way that he, Senator Page, would not have spent if he had been in charge of the project himself.

"You speak in your editorial of Braniff's inexperience and say that he was a recent graduate of the Yale Forest School when he was put in charge of the Menominee work. As a matter of fact, Braniff had had over seven years' experience in forest and lumber work. For two years he was forester on the tract of the Kirby Lumber Co. in southeastern Texas, the largest single holding of southern pine in the United States. This company operates 13 sawmills and owns about 1,000,000 acres of land. Braniff supervised the scaling, and was representative of the stockholders in the general supervision of logging and milling. In the Forest Service he was considered a man of most unusual judgment and ability. His reorganization of the Menominee affairs was, I believe, a particularly creditable piece of work. He is now a successful lumberman on his own account.

"Mr. Valentine, who criticized Braniff's work in the Menominee, is an energetic and honorable public servant, but through the press of business in the Indian Office it was impossible for him to handle the Menominee affairs properly. It is unfortunate but natural that Mr. Valentine should consider Mr. Braniff's reports on Mr. Valentine's administration as a personal rebuke.

"YALE.

"New York, May 18, 1910."

To this letter I made the following reply:

To the EDITOR OF THE EVENING POST: "Yale's" letter of May 18, respecting the "Forestry Bureau and the Menominee Indians," calls for the following comment:

"I have carefully gone over the report of Mr. Coulter, as reported by the Secretary of the Interior before the investigating committee, and noted the things that he had said and done. I can not say anything as to Mr. Coulter's ability as an accountant nor as a lumberman, but, speaking from the experience that I have had as a common laborer, from February to September, 1909, I think that Mr. Coulter's report is a fair and an impartial one. In fact, Mr. Coulter did not include in his report the facts that a great amount of shingle timber had been wasted in the cedar piles that had been driven down into the marsh, on which the lumber yard, principally, was built; nor did he include the thousands of cords of slab wood that was thrown into this marsh, at which alone there were employed four teams, four teamsters, a loader, from two to eight men throwing slabs into the slough, and two men raking 'hog feed' over them. This was a total waste at a big cost to the tribe. When the mill shut down for repairs last fall, they had to buy wood by the carload to keep steam for heating the buildings. I know this to be the fact, for I was one of the men on this slab work. Since October 1 there has been erected a large drying shed out over this marsh, in which a vast amount of cedar and hemlock piling have been used to make a solid foundation. Then, also, another year has passed by in which the interest on over a million dollars has been lost, notwithstanding the 'dead investments' and other items that I shall not burden you with by enumerating.

"I was at Neopit when the subcommittee on Indian Affairs were investigating the works there and heard most of the examinations; also have carefully studied the hearings the committee caused to be printed. The way that Senator Page cross-questioned Mr. Braniff, I must say that he placed him in some very embarrassing positions, so I was naturally doubtful of the facts attributed to him in said letter. Yesterday forenoon I called on Senator Page and had a conference with him, and when I called his attention to a great many details of this work he admitted that he had no personal knowledge of either their details or the cost. I asked him whether, if he were capitalizing such an enterprise, he would make the same expenditures. He said that he had no personal knowledge of the expenditures and could, therefore, express no opinion. This gives an entirely different aspect to the question than that offered by 'Yale.'

"As to Braniff's ability to operate such a great institution as the one in question, I would like to call attention to Mr. Braniff's own words, taken from these hearings. When asked by Senator La Follette as to what experience he had had in this kind of work he replied: 'I had never run a sawmill before; I had never had any experience with logging methods.' These words appear on page 932 of the committee records. We claim that Braniff was inexperienced, while 'Yale' asserts that Mr. Coulter is no lumberman. Whatever the contention may be, Braniff was experimenting at the cost of the Indians, while Coulter was not, but needed only to get Braniff's own reports in the office at Neopit to show facts.

"As to Commissioner Valentine's criticism of the Braniff administration of the logging operations upon the Menominee Reservation, the Indians believe that Mr. Valentine is in sympathy with the forestry movement on said reservation, as can be proven by a copy of former Commissioner Leupp's reply to the complaints of the Menominees, of which I have a copy. He says: 'My friends,' meaning the Menominee Indians, 'I have carefully looked into your complaints concerning the timber operation on the reservation by the Forest Service, which were made to Robert G. Valentine, my representative, during his recent visit to the reservation.'

"Then he answers every complaint separately, so that they would have 'a clear understanding of the whole situation.' This instrument was dated at Washington, D. C., November 17, 1908. But what the Indians really wanted was an accounting of their affairs, like the Coulter report, as their complaint No. 10 shows.

"I am of the opinion that if Commissioner Valentine has been criticising Braniff, it has been since his appointment as Commissioner of Indian Affairs, and not as representative of former Commissioner Leupp.

“(Signed) AUGUST A. BREUNINGER,

Secretary Progressive Indian Association.

“WASHINGTON, D. C., May 24, 1909.”

This "Yale" letter was written in the first person, and it seems somewhat odd that "Yale" knew so much about the Menominee Reservation. One gets from the said letter the idea that the Menominee Indian Reservation is a very insignificant thing in comparison with the Kirby Lumber Co.'s "million acres" and numerous

mills. Yet, it may strike one very strange that Braniff testified before the Senate subcommittee at Neopit October 1, 1909, that this company had shut down business, and had he remained long in charge at Neopit he probably would have bankrupted the Menominee Tribe of Indians.

Mr. Coulter says in his report that the act of March 28, 1908, commonly called the La Follette Act, was a vicious piece of legislation, and has resulted in a loss to the Indians up to and including October 31, 1909, of over \$700,000, and if operations are continued under said act without the same being amended, the balance of the tribal funds, as well as stumpage on their reservation, is in grave danger of being a total loss. This act should be repealed, if the rich heritage of the Menominee Indians is to be held for their benefit, and this act has resulted in convincing the Indians of the Menominee Reservation, as well as the citizens of the State of Wisconsin, who are competent from a business training to pass judgment, that the Bureau of Forestry has shown itself to be incompetent to cut and manufacture this timber at a profit to the Indians or with credit to themselves, and it is yet to be proven and determined that the Government, through any of its departments, can manufacture and sell timber or any other merchandise at a profit, and if it is the desire of the Government that it can do so, they should do it at the expense of all the people and not of these helpless Indians, who are the wards of the Government and should be protected.

AUG. A. BREUNINGER,
Flandreau, S. Dak.

(A Mixed-blood Menominee, "Un-a-quah.")

February 23, 1914.

DECEMBER 1, 1913.

HON. CATO SELLS,
Commissioner of Indian Affairs,
Washington, D. C.

DEAR MR. COMMISSIONER: Please furnish to the Joint Commission to Investigate Indian Affairs all information available concerning the general management of the sawmill on the Menominee Reservation, a copy of all charges which have been filed against the superintendent, together with all information concerning his conduct of said sawmill and his former experience in connection with such duties, if any.

Yours, truly,

JOE. T. ROBINSON, *Chairman.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 17, 1914.

HON. JOE T. ROBINSON,
Chairman Joint Commission to Investigate Indian Affairs,
United States Senate.

MY DEAR SENATOR: I have the honor to refer to office letter of December 26, 1913, transmitting copies of all charges which had been made to that date against the superintendent of the Keshena Indian School. In that letter the office stated, among other things, that on receipt of Mr. A. S. Nicholson's reply to the charges preferred against him under date of December 16, 1913, by D. F. Tyrrell, a copy of the same would be transmitted to you promptly.

I am inclosing herewith a copy of Mr. Nicholson's letter under date of January 3, 1914, replying to Mr. Tyrrell's charges.

Very truly, yours,

CATO SELLS, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
MENOMINEE INDIAN MILLS,
Neopit, Wis., January 3, 1914.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I am in receipt of your letter of December 26, transmitting copy of charges against me filed with you by one D. F. Tyrrell, an attorney of Gillett, Wis., who is associated with one Webster Ballinger, an attorney of Washington, D. C.

Replying to your letter I would call your attention to the fact that he makes said charges "for and on behalf of the members of the Menominee Tribe of Indians," and signs himself as "representing the Menominee Indians." I deny his authority to so act. I have no knowledge that he has received authority as the regulations require to be employed by them, or even to negotiate with them, and I also know that the tribe has never employed him, although he has made surreptitious trips in on the reservation for that purpose.

He is associated with several factionalists of the tribe who have been stirring up agitation here for the year past and for which he and Mr. Ballinger are partly responsible through their efforts to manufacture a favorable sentiment to employ them as attorneys. Furthermore, the charges made by him are simply a reiteration, in a great part, of the many complaints with which your office has been deluged during the year past, all of which have been investigated by special inspectors from your office; and they are in particular the same, I judge, which were presented to you, in particular to Hon. Edward E. Ayer, of the Board of Indian Commissioners, in person by the said D. F. Tyrrell on the occasion of his visit here in early part of December. This, I judge, because Mr. Ayer went into these very matters on the occasion of his visit here and I have no doubt that his report is now in your hands.

I also deny that either he or those associated with him are competent in any manner to pass intelligent criticism or possessed of the practical experience either in Indian affairs and its administration or the lumber industry to judge or to say if my administration is competent or not.

I feel also that from the record of this plant and this reservation before the office, which covers in detail the many absurd statements contained in Mr. Tyrrell's statement, that it should hardly be necessary for me to make any answer to same as it is only repetition of matter on which action has been properly taken. However, replying to same as a whole, I have to say that his charges embraced in paragraphs 1 to 13, in entirety and separately, word, lines, and each paragraph, are an absolute tissue of falsehood and not only display entire ignorance on subjects spoken of but are made with malice aforethought. He is interested in securing a contract to represent this tribe as attorney, has deliberately misrepresented many things to various Indians, has visited the reservation secretly, and has been a party to an attempt to create dissension here to further his own ends and of those associated with him, in particular those part blood members of the tribe who live without visible means of support and who are the chief offenders against regulation and order and who hinder in the main the advancement of the real Indian.

As Mr. Tyrrell presents no bill of particulars and has seen fit to generalize for any effect that might be created, I herewith answer separately as per paragraph numbers in the same manner the best under the circumstances that I can.

Paragraph 1: I herewith deny that any member of this tribe was ever refused employment at these operations. So much is this not the fact that when Indians apply for work special effort is made by me to fit them in some suitable place. Section 2 of the act of March 28, 1908, has not been violated in any manner and furthermore, the wage paid all employees, white and Indian, are exactly the same, capability and the line of work being considered and the time books of this operation are records of proof.

Paragraph 2: I herewith make answer that this charge is preposterous. I have not the absolute authority to remove any person from the reserve, that I do know persons have come here under the influence of liquor, and on their arrest they have been warned, fined, or punished in some manner. That I have dismissed from our employ any habitual offender of this kind as a matter of common knowledge and in cases when offender can be, have had him prosecuted in United States courts, whether the offender be Indian or white. When Mr. Tyrrell makes the statement that I never reprimand white employees who offend on this line, he simply does not tell the truth.

Paragraph 3: I herewith make answer that this statement is simply another case of ignorance or not telling the truth on his part. No man on this job can use a vile epithet toward another and it come to my knowledge and not be brought to task.

Paragraph 4: I herewith make answer that this is another preposterous statement, made without basis of fact. There are no favored positions here. It is a matter of common knowledge that every Indian employed or seeking employment is fitted in a task suitable to his capacity. We have Indian and white employees scattered throughout the mill, yards, and camps, all performing tasks alike according to capability. We have white foreman and Indian foreman, white engineer and Indian engineer, white clerks and Indian clerks. Difficult and unpleasant duties; there is nothing like this term in a lumbering operation. It is all work and all alike do their part in every part of the operation side by side.

Paragraph 5: I herewith make answer that Mr. Tyrrell or anyone else do not know what they are talking about in statement made here. I not only am familiar, but intimately so, with the condition, life, homes, etc., of the so-called Pagan Indians, obtained by personal acquaintance with them, visits to their settlements, attendance at their dances, not once but many times. They are not now, nor have they ever been, to my knowledge in a destitute or starving condition. They are a pitiful few families, that live according to their light and who refuse to live any other way. They hunt a little, fish some, trap more, and occasionally work and spend the great part of their earnings in feasts or dances or ceremonies of similar nature and are inveterate gamblers. The proposition was made to them to remove down near the agency limits and new houses would be built for them, but it was declined. They prefer to lead their lonely lives, apart from the Christian Indian, in their own way. They are continually roaming here and there, progress but slowly, and then only when I take their young men and set them at work.

When Mr. Tyrrell states what he does he simply frames a bunch of words for effect. I have visited their settlements and had employees investigate their homes, health conditions, and with offers and inducements to work. This is record with living witnesses. I have an Indian policeman there who reports at least twice a month. There are living witnesses, whom I have accompanied, and also officials of the service who have looked them over. Not a settlement on this reserve but has been visited by me many times. I doubt if there is road or trail that I have not gone over.

Paragraph 6. I herewith make answer that here again Mr Tyrrell exhibits ignorance of conditions. Such as he puts it is not the case. Neopit is a business proposition for the Indians. Its products under the law are all salable. Any Indian can get wood or lumber for cash or for labor. In emergencies we donate to tide over a crisis. If he wants wood he gets a permit to cut 5 or 10 cords from dead and down slashings, and he does. There is no such thing as anything being discarded as of no value. We may not find a demand to-day but will some day later. Even our waste has a certain value for filling in purposes in making yard room. Mr. Tyrrell, by his own suggestion, would have the Indian well able to work get something for nothing, and thus breed laziness instead of industry.

Paragraph 7. I herewith make answer to charge contained in this paragraph that every word and line is a barefaced falsehood. The circumstances mentioned therein never happened to my knowledge. At different periods supplies in warehouse, camp, or farm have spoiled and been condemned. No Indian was in need of food. If he was he would get wholesome, healthy food products and not rotten stuff.

Paragraph 8. I herewith make answer that the substance of this paragraph is absolutely not so. To my knowledge two or three items were sold from warehouse with a mistake made in selling price. On one item the error was remedied the next or succeeding day and the other several days later. Both mistakes were made, I believe, by the Indian assistant at the warehouse. This matter has been investigated by supervising officers of the service, is an old complaint and the facts as stated were so found by them.

Paragraph 9. I herewith make answer that the charge as put forth in this paragraph is absolute rot. No intimidation or coercion either by inference, word or writing was ever attempted or made by me at any time against any member of tribe on their communicating to Washington or with anyone else. My file is filled with correspondence forwarded through the office of letters sent in by Indians. At my office daily are statements made, what this Indian or that Indian has said or done or going to do. They are looked into; if a reprimand is necessary, it is given, and our relations remain the same, pleasant all around, at least if one is to judge by greetings.

No member of the tribe has ever lost his job, been imprisoned or punished in any manner for any action he may have taken against me personally. In cases when deserved the truth has been made known and the ridicule cast on the offender by fellow tribesmen has to my mind been sufficient punishment.

I know exactly three Indians and one non-Indian who have been misled enough by Mr. Tyrrell's rosy promises to contribute to his pocketbook and in no case were either of them discharged. Two are at present and have been camp foremen, one is in a laboring position and the non-Indian the same. This latter person I think it would be good policy to remove because of evident intent in advancing \$200 to Mr. Tyrrell or his associates to create an obligation on the tribe for which he in the future hopes to realize many fold. Mr. Tyrrell's statement that threats were made to incarcerate any one in jail if they attempt to communicate with the Secretary of the Interior or the Commissioner of Indian Affairs is a direct falsehood.

Paragraph 10: I herewith make answer to this paragraph that the statement contained therein is so ridiculous as not to be worthy of thought. Nothing was ever told the members of the tribe but the absolute truth either privately or publicly. I have

told them the operation was a success, have told them it has made money and exactly how much since I came here. I have quoted them the figures from the books of this operation and read copies of official correspondence to them, showing them exactly how much money on deposit in the Treasury and the increase of same. I herewith reiterate this statement that during my administration these operations have been conducted at a profit and that it compares favorably with any in the State. The records of fact in this are in shape of sworn statements, the books and records of this operation are here to be verified. This operation has been inspected officially many time by officers in the service, their reports are recorded to be examined. In turn, I herewith charge Mr. Tyrrell with deliberate misrepresentation to the Indian, causing dissension in the tribe, with resultant loss in industrial advancement and submit his own statements as contained in paragraphs 10 and 11 as evidence to back up what he has said to certain members of this tribe and also to other witnesses in public. I submit the books of this office and the statement of Treasury on the Menominee Log Funds showing funds on hand October 1, 1910, and statement of funds on hand December 31, 1913, or June 30, 1913, showing increase in funds with statement of resources and liabilities as rendered on date of September 30, 1913, to further convict the author of this statement of deliberate misrepresentation and false statement.

Paragraph 11: I herewith make answer to this paragraph that the statements contained therein are as ridiculous as the previous ones made. The act of March 28, 1908, provides timber to be cut as forestry services shall designate, which is done. The species of timber on this reserve show many species more valuable than hemlock, which is a drug on the market. That none but mature timber is cut is a fact, that hemlock predominates in our cut by great percentage is a record in spite of the fact that it is hard to cut with profit.

The estimated stumpage on the reserve October 1, 1910, was 1,750,000,000, consisting of in species in order of value and per cent of stand:

Oak, 0.01 per cent; pine, 10 per cent; Norway, 0.02 per cent; basswood, 15 per cent; butternut, 0.00625 per cent; hickory, 0.000625 per cent; rock elm, 0.06 per cent; ash, 0.0075 per cent; spruce, 0.00375 per cent; soft elm, 0.03 per cent; birch, 0.05 per cent; cedar, 0.01 per cent; tamarack, 0.005 per cent; beech, 0.000625 per cent; balsam, 0.0024 per cent; maple, 15 per cent; hemlock, 40 per cent. There has been cut since I took charge of this operation, October 1, 1910, 94,799,980 feet, consisting of oak, 65,110 feet; pine, 25,675,530 feet; Norway, 2,563,282 feet; basswood, 2,456,420 feet; hickory, 370 feet; rock elm, 364,690 feet; ash, 158,950 feet; soft elm, 557,030 feet; birch, 5,119,230 feet; cedar, 1,761,480 feet; tamarack, 83,760 feet; maple, 3,963,860 feet; and hemlock, 51,678,000 feet; other woods, 61,300 feet. From this it will be seen that there has been cut in stumpage of woods value, at \$5 per M and less, approximately 64,000,000 feet of the lowest valued timber against 30,800,342 pine, Norway, basswood, and oak, and in no case was our cut of pine each year exceeding the per cent of stand as shown by total except where necessary. I would also call attention that the cutting of approximately 24,000,000 feet of pine and Norway in 1911 and 1912 was due to the fire of 1910 and for no other reason. The records as per cost statements and our books are vouchers for this.

That Mr. Tyrrell is not a competent judge to comment on this or any other plant is clearly evinced by his statement in this paragraph. The cut is not, and has not been, confined to the choicest standing timber, and even if it was, the emergency to be met would have to be considered with the possible loss that might be suffered. Also, his comparison on prices for waney board timber and lumber show entire lack of all knowledge of lumber values, which is very easily demonstrated. Market lists of lumber are public records. Correspondence attached to office letter, Field Forestry 33132-1913, make a comparison on the item in question. In this it is shown that the ratios of profit to the tribe in favor of hewn timber is that of on pine nearly 4 to 1, or, to be exact, \$57 per M net over stumpage and manufacture for hewn pine timber, against \$14.17 per M on manufactured lumbers, and on hewn rock elm timber the profit per M is immensely greater, namely, 57 cents per M on rock elm lumber and \$29.19 per M on rock-elm timbers.

There has been no violation of section 2 of said act by me regarding contracts. I respectfully refer to office letter dated March 21, 1913, Field Forestry 33132-1913, J. P. K., and correspondence thereto attached, approving the sale and manufacture in which this matter was thoroughly entered into, besides conference with secretary of the author of the bill. Men are employed and paid by piecework to make lath and shingles. Section 2 of said act certainly conveys on the Secretary of the Interior the authority to employ labor at such work and at such compensation as shall be fixed, and it is common practice among the mills of the country to perform work of this kind in this way. I deny in toto the latter part of statement in this paragraph

referring to railroad built at expense to tribe, waste in woods, or anything in any manner that can be conveyed from the words as put in Mr. Tyrrell's charge.

Paragraph 12. I herewith make answer that no member of this tribe has ever been refused information, or access to the books of this office. So far is this from the fact, that it is a matter of record that at tribal councils I have invited the tribe to inspect our records, maintain a public copy in this office open to their inspection and also one at Keshena, which can be seen by them at any time and at no time has any demand ever been made by any single member of the tribe for this. I herewith say that never at any time has anything ever been done to conceal, hide, or cover up, any, if there be such shortcoming or act of negligence. There is no careless or incompetent administration. I invite always attention to anything in shape of criticism. I am frank to say that I have benefited hugely by same when given. I prefer hearty commendation of the foremost lumbermen of this country, experienced ones who know what they talk about, which has been given me on many occasions. They are records of facts, witnesses that can be called on, to the idle clatter of such words as are put together by Mr. Tyrrell and his associates.

I knew absolutely nothing of any inquiry to be made into affairs here beyond the fact that inquiry was going on all the time, that the eyes and ears of the office were on this plant and my work every moment, either through correspondence or visiting official, information was sought all the time and certainly no Indian, white person, or living being can say that they were asked directly or indirectly to cover up or conceal or do a single thing to hide anything that should be known. In fact, I know to the contrary that the orders are to employees to place themselves at the free disposal of inspecting officials with books, records, information on anything they may be asked. It is unequivocal falsehood to say anyone was discharged for such reason. I think every visiting official who ever came here will bear out these facts.

I can not conceive anyone being dense enough to say that this is the first time mill ever received any cleaning up. Does he not know that insurance inspectors inspect here monthly, that supervising officials visit here, that there are living witnesses in shape of foremen and employees to say nothing of time-book records showing work each employee performs?

Paragraph 13. I herewith make answer to charges in this paragraph, a denial in toto. I am not unfair, unjust, arrogant, offensive, and insolent. I fill this position as I see it, a teacher to children, an executive to maintain law and order, discipline when necessary, teach industry, morality, sobriety, do what I can to improve health and home conditions, and absolutely deny and can prove that no one but ever received the fairest consideration to the limit and even beyond. The only ones who may be in fear of having to leave the reservation are the ones who are associated with Mr. Tyrrell, who fear being found out in their lying and efforts at creating unrest and dissension, and who fear the punishment the office may give them, and it would be only meet and fair so to do, for they suffer the great body of the tribe much harm and loss toward industrial development by their continued agitation.

As to the unanimity concerned in Indians asking my removal, I do know this, that the few associated with Mr. Tyrrell are so to a degree. Added to them can be placed the offenders on liquor trespass and law and order, with perhaps a few who trail along with the crowd who make the most noise, thinking they are the majority. There may be possibly 60 in all of these. I also know this, that not concerned in this so-called request for my removal are the great body of honest, industrious, law-abiding Indians, who make sincere effort for advancement of themselves and children. I also know that of those included in the possible 60 that there would not be a half dozen left, only they are misled by the lying propaganda put forth by Mr. Tyrrell's associates to the effect contained in his statement No. 10, together with the added one that failure of annuity payment is due to waste by me of interest money from which same is paid and a vision held out to them, "Stand in behind us and money will flow; easy times, fine jobs, good pay, easy work."

I am finished, beyond saying that the records of my work are open books here. I invite at any time, any moment, investigation of my conduct of affairs by you, sir, or your able assistant, or any other fair-minded, experienced man you may send. In this connection I have lately experienced a visit from one of the Board of Indian Commissioners, Mr. Edward E. Ayer, of Chicago, Ill., a lumberman of many years, with plants many times larger than this, a knowledge of Indian affairs acquired through years of dealing with Indians. He was accompanied by his secretary, as expert auditor, his superintendent of logging, and a stenographer. They went over this plant from top to bottom and into the Indian question. The best inspectors in the Indian Office have been here, all competent men, as I know; their advice and judgment are most valuable.

This much I venture to suggest for the good of the Indian: It is time something definite was determined of the truth or falsity of these charges, which have been handed into the office by some parties for the year past directly and through every available source they could reach. If the men interested are permitted to roam, making capital by misrepresentation, it would be but a question of time when these aspiring leaders would undo all the good ever done on this reserve.

Very respectfully,

A. S. NICHOLSON, *Superintendent.*

COPIES OF PAPERS SHOWING EXPERIENCE OF A. S. NICHOLSON, BEFORE HIS APPOINTMENT TO THE POSITION OF SUPERINTENDENT OF KESHENA INDIAN SCHOOL.

[Taken from status file of A. S. Nicholson.]

The following is a summary of the training and experience of Mr. Angus S. Nicholson, of New York:

Age 37 years. Married; two children, one 5 years, other 3 years of age. Born February 14, 1873, Luddington, Mich. Removed to Janesville, Wis., at 5 years of age. At about 14 years came to New York, where education was completed in public schools, and started in to make my way in the employ of Savannah Line of steamers. At 18 years assistant foreman and dockman in charge of longshoremen. At 20 years, manager of Foreign Express Co., where I came in contact with and handled labor of all kinds. During this time was studying and attending night schools, taking a business and commercial course in law and business methods, etc. Auditor for the receiver of Traders Fire Insurance Co. Always took interest in civic affairs, as I found it a great school in which to study men, and I feel I profited much thereby. About nine years ago appointed deputy naval officer of customs for port of New York, which office audits the accounts of the collector of customs here. I am confident that my career in this place is such as to warrant my saying that every single subordinate of this office considers himself my friend.

UNITED STATES CUSTOMS SERVICE,
Port of New York, May 17, 1910.

R. G. VALENTINE, Esq.,
Commissioner of Indian Affairs,
Department of the Interior, Washington, D. C.

SIR: Replying to your letter of May 16, concerning the superintendency of the Keshena Indian School in charge of the Indians on the Menominee and Stockbridge Reservations, in Wisconsin, I give you herewith the particulars of my service for the Government, as you ask.

Name, Angus S. Nicholson; place of birth, Luddington, Mich.; date of birth, February 14, 1873; branch of Treasury service, customs; station, naval office, port of New York; position, deputy naval officer of customs; compensation, \$2,500 per annum.

Appointed to present position July 19, 1901. How appointed: Through noncompetitive civil-service examination, by passing regular first-grade examination; per cent, 90. Appointed from State of New York, county of Kings, fifth congressional district. During year 1903 was placed in the classified competitive civil-service class, graded clerk, class 6. Salary, \$2,500 to \$3,000.

My official designation is deputy naval officer of customs; duties, to perform such as may be assigned me by the naval officer of the port of New York; to be thoroughly familiar with the rules, regulations, and decisions of the Treasury Department governing the proper enforcement of the customs laws covering the entrance and clearance of vessels, merchandise, etc., and to apply them properly. Salary, \$2,500 per annum.

Very respectfully,

ANGUS S. NICHOLSON,
Deputy Naval Officer,
Room 347, Customhouse, New York.

WASHINGTON, D. C., December 16, 1913.

Hon. CATO SELLS,
Commissioner of Indian Affairs,
Department of the Interior, Washington, D. C.

MY DEAR SIR: At the request of the Menominee Indians I herewith inclose you formal charges preferred against A. S. Nicholson, superintendent of the Menominee Indian Reservation, together with a copy thereof for service upon Mr. Nicholson.

I respectfully request that I be advised a sufficient time in advance of the investigation so that I may be prepared to offer the evidence in support of the charges.

Very truly, yours,

D. F. TYRRELL.

Before the Commissioner of Indian Affairs. In re administration of A. S. Nicholson, United States superintendent, Menominee Indian Reservation, Wis.

Comes now D. F. Tyrrell, an attorney at law and a resident of Gillett, Wis., and for and on behalf of the members of the Menominee Tribe of Indians makes the following charges against A. S. Nicholson, superintendent in charge of the Menominee Indian Reservation, to wit:

1. That A. S. Nicholson has, contrary to the plain provision contained in section 2 of the act of March 28, 1908 (35 Stat. L., 51), refused employment to members of the Menominee Tribe of Indians in connection with the logging operations, although the Indian applicants were well qualified to fill said positions, and has, contrary to the terms of the statute and the prohibition therein contained, employed large numbers of white people to fill the positions in connection with said logging operations applied for by the Indians and which employment was denied the Indians; that the wages paid the white labor in many instances has been excessive and much greater than the wages paid to Indians performing similar duties.

2. That he has retained white persons in responsible positions who have introduced liquor on the reservation and who have been intoxicated on the reservation and which facts have come to Mr. Nicholson's personal knowledge; that so far as complainant has been able to learn Agent Nicholson has never even reprimanded the white employees so offending against the laws of the United States, while for similar offenses committed by the Indians he has caused the arrest of the Indian, his incarceration in jail pending trial and subsequent conviction.

3. That he has permitted his white subordinates and employees, with his knowledge, to apply vile epithets to members of the Menominee Tribe, and has failed or refused to reprimand his white agents and employees for the use of such language to the members of the tribe.

4. That he has uniformly imposed upon the Indian employees the duty of performing the more laborious, difficult, and unpleasant duties in connection with the logging operations and has permitted the assignment of the white employees to the more favored positions.

5. That during his entire administration he has never investigated or inquired into the condition of the so-called "Pagan Indians," who are now and have been at various times in a destitute, pitiful, and almost starving condition, and has refused to permit them to use the refuse lumber, which has gone to waste, for the purpose of improving their dilapidated homes, many of which are unfit for habitation.

6. That he has refused to permit members of the tribe to use the refuse from the lumbering operations for fuel or for the improvement of their places, and in cases when they have taken refuse from the logging operations which was discarded as of no value he has required them to pay for the same.

7. That he has refused to permit members of the tribe to use and consume vegetables and food products raised on the reservation farm, although said vegetables and food products were then decaying and did subsequently decay and were thrown away, said refusals being made at a time when the Indians were in need of food products, and when they were without funds with which to purchase them.

8. That he has permitted white employees on the reservation to obtain articles from the Indian warehouse at a lower price than that at which the same article has been sold to the Indian employees.

9. That he has attempted by intimidation and coercion to prevent the members of the tribe from communicating with the authorities at Washington relative to the unsatisfactory conditions existing on the reservation, and in cases where certain Indians have advanced funds with which to defray the expenses of making their complaints known to the authorities at Washington he has caused the Indian thus

advancing the funds to be discharged from his position, and in other cases has threatened to incarcerate the Indians in jail if they attempted to communicate, relative to their tribal matters, with the Secretary of the Interior or the Commissioner of Indian Affairs.

10. That under his administration the Indians have sustained a loss in their logging and lumbering operations of several hundred thousand dollars, due to carelessness, mismanagement, and maladministration, and that he has knowingly and with intent to deceive the Indians represented to the Indians in private talks and in public statements that the logging operations were now and have been throughout his administration conducted with a profit to the tribe, the said superintendent at the time said representations were made knowing full well that said representations were false and untrue.

11. That in an attempt to show a profit in the logging and lumbering operations he has confined the cut in the woods to the choicest standing timber, and has, in violation of section 2 of the act of March 28, 1908, supra, contracted with lumbermen for the squaring of merchantable timber and the sale of the same to them at prices far less than the same timber manufactured into lumber would have brought; that he has likewise, contrary to the provisions of section 2 of the act of March 28, 1908, supra, contracted with certain white persons for the manufacture of laths and shingles; that he has directed the construction of branch lines of railroad into certain logging districts at great expense to the tribe and has, before the timber then cut in said district was removed, taken up said railroad and has left the remaining timber in the woods; that large quantities of valuable timber cut in the woods have been left to decay and have become worthless; that in one place in the logging operations under his directions all white and Norway pine was cut from a burned-over area and a very large quantity of valuable hemlock was left to spoil in this same area.

12. That he has refused to permit the Indians to inspect the books and records of the office and ascertain for themselves the facts with reference to said logging operations; that he has recently attempted to cover up and conceal from view the careless and incompetent administration of affairs; that recently and when it became apparent that a thorough inquiry would be made into the affairs of the Menominee Indians, pursuant to his instructions a thorough cleaning up around the mill occurred, which was the first time such a cleaning up had occurred during his administration; that because of the refusal of certain Indian employees to cover up and conceal from view the waste in the lumbering operations around the mill, as directed so to do by their superior officers, they were, with the knowledge of the superintendent, dismissed from their positions.

13. That his conduct toward the Indians has been so unfair, unjust, arrogant, offensive, and insolent that the Indians are practically unanimous in demanding his removal from the office of superintendent of their tribe, many of them going so far as to assert that unless he is removed and an agent who will deal fairly and justly with them is placed in charge they will be compelled to leave the reservation; that conditions are critical, the Indians being dissatisfied and restless to an alarming degree, all due to the improper conduct on the part of the agent and the mismanagement of their affairs by him.

Complainant respectfully requests that a copy of these charges be served upon Supt. Nicholson, and that after due notice to all parties interested said charges be investigated and fully inquired into by your honor, the Commissioner of Indian Affairs, or by the Assistant Commissioner of Indian Affairs, Mr. Meritt, or by some competent man, to be designated by your honor, whose ability and probity is beyond question.

Respectfully submitted,

D. F. TYRRELL,
Representing the Menominee Indians.

COPY OF CHARGES MADE AGAINST MR. A. S. NICHOLSON, SUPERINTENDENT KESHENA INDIAN SCHOOL, BY MENOMINEE INDIANS.

[Taken from status file of A. S. Nicholson.]

APRIL 25, 1913.

MR. MITCHELL OSHKENANIEW, *Neopit, Wis.*

SIR: There has been filed in this office a statement purporting to be from members of the Menominee Tribe of Indians of the State of Wisconsin complaining of the administration of affairs under Supt. Nicholson. Yours, however, is the only signature to the statement, which was filed by Thomas Prickett under an alleged authority to represent the Menominee Indians.

A number of the complaints contained in the communication are known to this office to be grossly overdrawn, while others are known to the office to be without any foundation in fact. Furthermore, the record of Mr. Thomas Prickett is such that he will not be recognized in any representative capacity before this office; and as to yourself, it appears that at a meeting of the general council of the Menominee Tribe, held January 26, 1908, it was resolved:

"That Mitchell Oshkenaniew is hereby forever barred from representing the Menominee Tribe of Indians in any way, shape, or manner in any of their tribal affairs, either on or off the Menominee Reservation."

This resolution was adopted by a vote of 62, no one voting in the negative; your complaint, therefore, will not be given further consideration.

Very respectfully,

F. H. ABBOTT, *Acting Commissioner.*

Approved April 25, 1913.

LEWIS C. LAYLIN, *Assistant Secretary.*

APRIL 8, 1913.

Mr. JOHN FEATHER, *Keshena, Wis.*

SIR: The department is in receipt of the telegram dated March 27, signed by you and Joe Grignon, and the letter dated March 28, signed by yourself and 47 other members of the Menominee Tribe of Indians, in which you refer to a supposed visit to this department by Supt. A. S. Nicholson, and in which you make certain allegations relative to him.

As the Commissioner of Indian Affairs has no information indicating that the superintendent is en route to Washington, and as ample time for him to have arrived has elapsed since the filing of your telegram, it appears that your assumption with regard thereto was incorrect.

Respectfully,

LEWIS C. LAYLIN,
Assistant Secretary.

KESHENA, WIS., March 28, 1913.

HON. FRANKLIN K. LANE,

Secretary of the Interior, Washington, D. C.

SIR: We, the undersigned members of the Menominee Tribe of Indians, are very much alarmed by the sudden departure on the 6.40 p. m. train Wednesday evening of our superintendent, A. S. Nicholson, thinking perhaps that he is going to Washington, D. C., in order to vindicate himself of charges preferred against him to you by one of our members a short time ago. We most earnestly protest any actions he may demand. We have no confidence in our superintendent whatever. We beg and ask that an investigation be ordered as soon as possible by your honorable Secretary of the Interior.

Very respectfully,

Mitchell Mah Kimetass; John Feather; Joe Waupoose; Edward Sullivan; Louis Shawano (his x mark, thumb print); Peter Askanitt; John B. Waukchon; Tom Sanawat (his x mark, thumb print); Peter Askenitt; George Pyawasay (his x mark, thumb print), Gusahyahsha (witness); John Cordish; David Martin; Antone Shawanomette; John Shawanomette (his x mark, thumb print); Antone Shawanomette; Mitchell Shawanomette (his x mark, thumb print); Antone Shawanomette; Thomas Waupoose; Jerome Pecore; Louis Corn, sr.; Richard Corn; Robert Pahmay (thumb mark); Louis Corn; Frank Red Cloud (thumb mark); Louis Corn, sr.; John Shawapeness (thumb mark); Gusahyahsha; Antoni Waupano (thumb mark); Joe Teaprie (thumb mark); Jno. Teather; Ed. Brisk; Mitchell Poplice (thumb mark); Gus Ahyahsha; Mose Oshleshequson; Joe Grignon; Gus ah yah sha; Joe Seymone (his x mark, thumb mark); Mitchell Mah Kimetess, witness; Jerome Laws; Gabe Blackcloud; Joe Meyawanon (his x mark, thumb print); Mitchell Mah Kimetass, witness; Joe Pecore; Antoine Stick; Joe Boyd; Paul Waupochick; Peter Askenitt; Louis Waukechon; J. A. Gauthier; John Keshena (his x mark, thumb print); Mitchell Mahkimetass, witness; Louis Keshena, jr.; Frank Waukecha; John Moses, jr.; Mitchell Dick; F. S. Gauthier; Frank Tekiew; Jum Blackeland (his x mark, thumb print); Frank Tekiew; Mitchell Mahkimetass, jr.; Joe Davis.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
MENOMINEE INDIAN MILLS,
Neopit, Wis., March 22, 1913.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Your letter of March 15, inclosing copy of a paper filed in your office on March 7, 1913, by Thomas Prickett, signed by Mitchell Oshkenaniew, who is supposed to be representing the Menominee Tribe of Indians.

This complaint is one of several that have been handed to your office during the year past, each of which emanated from the same source; a disgruntled few who profess to be leaders, who will not work, live by their wits, and make a specialty of stirring up factional strife on every available opportunity. Their complaint is a general one, specifying nothing in detail. Suffice it for me to say here now, that there is not a scintilla of truth in what is meant to be conveyed by this paper dated March 3, 1913, addressed to the honorable Secretary of the Interior, Washington, D. C.

Answering the paper in detail:

Since I have been here, there has been on an average yearly four authorized councils held, each called as prescribed by the regulations and established by custom. At not a single council, held at the Council Hall at Keshena, has there been one single word uttered or charged or passed by the council against management of affairs here, although they have been requested by me time and again to do so, if they have any.

February 18 I received a telegram to select three representative Indians and report at New York on February 22, 1913, which I did, leaving here on February 20. Seizing the opportunity, during my absence a few faction leaders met, as they say, on Saturday, February 22. It was then stated that the superintendent had taken three Indians who would do anything he wanted them to do and had gone off to Washington to act against the tribe's interest, etc. The principal reason of the meeting, as I learned later, was that a secret meeting had been called of a chosen few and that an attorney was to be present, who, through Prickett and Oshkenaniew and several others, is endeavoring to negotiate a contract with the tribe to represent them. But more of this later. As only a few were present and the superintendent away, the chance was too good to lose for them to accomplish something, so, after a general talk and ending in a series of most absurd charges I have never seen them; have only hearsay for this) they asked Mr. Marble, assistant superintendent at Keshena, to come upstairs and certify to a paper containing a record or minutes of the meeting or council, as they called it. He told them no; that no council had been called and due notice sent all male members of the tribe.

They then took what they termed an adjournment, agreeing to meet on February 26, each to endeavor to bring in as many as he could, or rather those who were known to be friendly to this faction. It was said that the superintendent would not be back until after March 4, so the road would be clear. I returned here, unexpectedly to them, on February 26. I think it was, as I had left New York immediately after the ceremonies.

This meeting was held, and an attorney from Gillett, a representative of a Mr. Balinger, attorney in Washington, was there and read a paper to the Indians, telling them what he would do, etc. Resolutions were adopted, all against this superintendent, who had taken, as they put it, three tools he could use to Washington to get permission to do as he liked, etc., with the tribe's funds. And the attorney, it is said, backed them up in good shape, promising all kinds of investigations into their affairs, etc.

The whole is so absurd as to be almost laughable, but it shows the tactics these men use to gain ascendancy over their red brethren for their own purpose. I was told of this meeting and also told it was not necessary to have the superintendent certify to minutes of their meetings, etc.; that they could do business without him. I took Mr. Oshkenaniew and Mr. Prickett to task about this; pointed out the regulations of council meetings, which are that the superintendent shall call councils only upon expressed desire of a fair percentage of the adult members of the tribe; at least three days' notice to be given and the principal business of the council to be therein stated in order to give every member who wishes opportunity to attend; said councils to be held on day of the week and time of the year that is easiest for members to leave work to be present. They mumbled something and then denied making statement, although it was told to Mr. Marble, who was asked to certify to the minutes. The regulations also require the superintendent and officers of the council to certify to the proceedings for transmission to Washington. Necessarily the superintendent has to be present, as many questions are asked him on business affairs, advice, etc.

An interpreter is also required, who is to translate into English all talk taking place in Indian for record.

The meeting of March 1, which Mr. Oshkenaniew speaks of, was a committee meeting called by myself to organize a fair association in line with program of promotion of farming pursuits on the reservation. Mr. Oshkenaniew was not a member of this committee. When its business was over, members of the fair association and myself had a talk about a per capita payment. I was asked to recommend one and told the committee if the tribe requested it I would, and that certain correspondence had already passed between the office and myself about it. They united in a call for a council, 25 leading members of the tribe forming a committee and a number of others present.

March 5 was suggested as the date, but as I was expecting to be in Chicago on business affairs of the mills on that day, suggested Saturday, March 15, as March 5 would not give time for proper notice to be distributed, and it was so understood. I explained that this would give every one ample time to be present from all settlements of the reservation, who could then tell in council the various reasons a per capita payment was desired.

So far as opposing any delegation going to Washington to fight me or anyone else, never any such thought entered my head. I care nothing about anyone's fighting me, being absolutely certain of my ground and actions at all times. Besides I am not here for fighting, but as a teacher and executive. I have advised the tribe against the ill-advisedness of members running down there for inconsequential things, bothering the office with matters that can well be conducted through this office. (See record of tribal council, Feb. 15, 1912, in which a tribal delegation was elected to go to Washington, and went.) Record of the council at which they were selected will show that my only word then was after they had permission to go; that my only word was for them to select their three very best representative men. Oshkenaniew and Prickett were among those who went, and their record shows that they did not attend to any of the important things the council sent them for, but did spend their time in making petty complaints manufactured from false evidence, and violating the regulations against liquor to Indians, coming back leaving bills unpaid, after being furnished with money sufficient for purpose sent.

That part of this paper which speaks of the three Indian employees whom the superintendent took to Washington is a very fair sample of the misrepresentation used by these men to gain their ends. It would be very hard work for any one here to select three representative men who are not employees when it is considered that 250 to 275 male adults out of 525 are employees here. The men were Reginald Oshkosh, about 45 years of age, oldest son of Neopit Oshkosh, the old head chief of the tribe. He is 90 years old and his death has been hourly expected for months past. He is just existing, a very old man, slowly dying of old age. His son would be head chief if such were still recognized by the Government. He is so accepted by the Indians. Oshkosh is making progress. He works. He has not the friendliest feeling for myself because of my having to bring him to task for a failing at times. He can not resist drink when offered to him. He is really a bright Indian, fairly square, and a real leader for the betterment of his people, educationally and industriously; one of Carlisle's first students.

Mitchell Waukaw, 42 years old, nephew of old Chief Chickeney and oldest male head of this band, is a model Indian in deportment and work. As policeman, and now forest guard, he has incurred the enmity of such men as these because of his continually rounding them up for wrongdoings.

Pamonieutt was the third man, a direct descendant of an old chief of the tribe, quite a spokesman among them, and an employee of 20 years' standing, and one who has caused me some trouble at times owing to a propensity to interpret things his own way. I mention this merely as showing how absurd their statements.

These three accompanied me to New York to take part in the ceremonies of laying the corner stone to the American Indians. They were not my first selection, but two I had in mind and had asked could not get ready in time, and as I had but one day in which to prepare, these three went and carried off their parts nobly as representative Menominee Indians. While in New York they were invited by the inaugural committee to go to Washington to participate in the inauguration of our President. They went, performed their part well, and returned here several days later. None of them, nor did I, knew of going to Washington on leaving here. We all expected to return at once.

There was no real council on February 22, nor on February 26. Nor do I put my hands on, or try to cause, influence, or control the actions of the councils. Whatever has been said or done in my official capacity has been at all times to, by suggestion, direct the tribe in proper lines and to do their business aboveboard and straight.

There is not a single Indian here that can be produced to say that I ever asked him to influence the tribe. What I had to say was in the open, to them all, when assembled together. That, I think, is my duty.

This paper signed by Oshkenaniew and delivered through the medium of Prickett fairly exposes the actions of these men who have been busy lately formulating what they term charges. Concealed in it is one of the primary causes why this class of Indians dislikes their superintendent. You will notice mention of employing attorneys. It seemed that Mr. Prickett, Mr. Oshkenaniew, and others are interested in securing a contract for a certain attorney, or attorneys, above mentioned. They met them here when a hearing was held on the old logging claims. These attorneys were representing claimants against the tribe, and certain of these Indians were their witnesses. Right after this, talk commenced to be circulated in favor of hiring them as attorneys. It was represented that they were needed to investigate the management of the mills, press claims on the school and swamp lands, and to recover to the tribe thousands of dollars alleged to have been misspent. I was east at this time last summer. In Washington I met a Mr. Ballinger, who wanted my consent to talk to the tribe to get a contract. He represented it to be with the permission of the department, etc. I told him the regulations regarding attorneys to represent Indians and said when I received official order of the department they could then talk business.

He evidently wrote west at once, because his representative in Gillett, Wis., visited certain Indians here and had them meet him in Shawano. I put a stop to this on my return. Now the point is, no one of these Indians will do a thing unless he is paid and well paid. Ask them to do something and they immediately look to see what is in it. They have made it their business for years. On my taking charge here I saw to it that a scant living was made from this kind of source.

The record prior to my coming here is a record in the office. I was sent here to remedy certain conditions that had existed and which was a detriment to the tribe. Let me enumerate some of the things that had existed before my coming, which are records.

A business committee had conducted affairs of the tribe. Their conduct was so rotten that, on an appeal from the main body of the tribe, by Executive order, it was abolished. Members of this committee were Oshkenaniew, McCall, Mose Tucker, Joe Grignon, Tom La Bell (associated with Thomas Prickett, not then a member of the tribe), We-is-ke-sit, Lawe, La Motte, Gauthier, and others. Fifteen in all, I think. Oshkenaniew was secretary and chief of the clique. They were found to have sold logging contracts for a consideration; applicants for membership were elected to the tribe for a consideration; Oshkenaniew was caught with having entered into an arrangement with an attorney in Washington to secure a contract with the tribe, out of which Oshkenaniew was to receive \$5,000. Others were found to have received money, usually \$25 down and balance remaining, usually \$50 or \$75, when an applicant was elected member of the tribe. Oshkenaniew and Gauthier were chief offenders in this.

The influence of this committee was bought and sold for various purposes, as desired. So-called councils were held which were nothing more or less than conferences of cliques interested, at which action was taken committing the tribe on any measures they had in mind. In the clean-up Oshkenaniew was, by resolution of the tribe, forever barred from representing the tribe or participating in its affairs in any manner. (See my letter, dated Jan. 23, 1913, Education employees, 66-1913, concerning him.)

All the members of the committee were viewed with suspicion by the great body of the tribe. Prickett was tried by the tribe, and a resolution was passed asking the Secretary of the Interior to expel him from the reservation for immoral conduct and other abuses, and the order was issued. See my letter to office December 18, 1912. Then the Neopit difficulty arose and the visit of the Senate committee. In July, 1910, I came here. I told the Indians on my arrival that what was past was history. I would neither condemn nor condone. Each was to show by future conduct under my administration how he was to be treated. Graft was shut off. Men occupying useless jobs were removed. Regulations for the control of the liquor traffic were rigidly enforced. Offenders against the regulations of the reservation were promptly rounded up. Men were set to work to properly provide for their families. In a word, order was resolved out of chaos and quiet prevailed.

The Neopit operation, which had suffered loss, was put on its feet. From thousands of dollars lost a turnover in 1910 was made for \$13,000 excess receipts over expenditures; to \$65,000 excess receipts over expenditures in 1911; to \$200,000 excess receipts over expenses in 1912; and this year bidding to reach \$300,000 (we have \$150,000 in and only 6 months on the way). All this is record.

Now for the trouble makers. About a year ago the office could not see its way clear to make the customary \$30 annuity payment, as the interest money from which it was taken was not available. This gave this class of men a chance again. Stories were circulated that money was being wasted. For evidence it was pointed out that no annuities were paid and those that had been were very small. Race prejudice was aroused by cunningly contrived innuendoes. The Indian was told how all kinds of money was used at the mill, but none available for annuity.

During this time I had called the office's attention to a matter of interest; money used in the past by the mills that would better be used for the Indians, and this was allowed and money replaced in the fund. While this was going on, a committee was sent to Washington, of which I have spoken already. They came back claiming all credit for the replacing of this money and assumed prestige thereby. Since that time they have been busied in visiting settlement after settlement circulating all sorts of stories calculated to make the tribe lose confidence.

The change in administration gave them another chance, the Indians were told. They were going to see to it that a change occurred here. Naturally, this class of men desires a change. They want a chance to return to old conditions, when they could make easy money. They think a change would effect this result, or at least give them a chance.

The time has come when the office should call a halt. What I say is not all my say. It can be confirmed by visiting officials, by business people doing business here, by neighboring towns who know of the rejuvenation that has taken place here, and in the towns themselves through regulation of the liquor traffic and the constant striving to have the Indians pay their just debts. My suggestion would be that a forcible opinion of the department be sent these men, expressing the office's views in no uncertain way. Copies of this could be posted in settlements, so that the law-abiding Indian who is slowly working his way can understand Washington's viewpoint, and proceed again to his work, knowing that his interests are well protected. It is not from the industrious Indian such complaints emanate, but from the fellow who is physically and educationally well able to make a living by daily toil, but prefers an easier route.

Respectfully,

A. S. NICHOLSON, *Superintendent.*

MARCH 15, 1913.

Mr. A. S. NICHOLSON,
Superintendent Keshena Indian School.

SIR: Inclosed is a copy of a paper filed in this office under date of March 7, 1913. Please make prompt report in regard to the allegation set out in the communication.

Respectfully,

C. F. HAUKE,
Acting Commissioner.

MENOMINEE INDIAN RESERVATION,
Neopit, Wis., March 3, 1913.

The honorable SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: We, the undersigned members of the Menominee Tribe of Indians of the State of Wisconsin, do hereby represent and say that, the Menominee Indians being very much dissatisfied with the bad management of our affairs under Supt. Nicholson, and being desirous to employ attorneys to represent our tribe to have an investigation made into our said affairs, as well as to attend to other matters of importance in which we are interested, called a council which was held on the 22d day of February, 1913, which was adjourned to February 26, 1913. At this council four delegates, members of the tribe, were appointed to go to Washington, D. C., to represent the tribe's interest. Messengers were sent to the various parts of the reservation to notify members of the tribe that a council was to be held.

But Supt. Nicholson does not recognize this council as legal, because it was not called by written notices nor by him. He maintains that before our tribe can hold a council his consent must be first obtained and that he must call the council before a council can be held legal. We hold that the tribe has the right to call councils.

On March 1, at another meeting, Supt. Nicholson was requested to call a council to be held March 5, 1913, but Supt. Nicholson put it off until March 15, 1913, for the purpose of delaying matters.

He does not want a delegation that is opposed to him to go to Washington, D. C., and fight him in any way. He is interfering with our tribal affairs by trying to keep us down under his absolute control. He wants to control the actions of our councils.

Recently Supt. Nicholson took with him to the East three of his Indian employees, who are now in Washington, D. C., one of whom is represented in the eastern newspapers as "chief of the Menominee Indians."

The first council, which met February 22, 1913, authorized its chairman to wire President Wilson and to advise him that the party of three Menominee Indians who went to the East with Supt. Nicholson had no authority to act for the tribe in any capacity whatever. This message was sent to President Wilson February 23, 1913.

We petition that Supt. Nicholson be instructed by the Interior Department to call a council of the Menominee Indians at an earlier date, and that when the council is in session and at all our councils that may be held hereafter Supt. Nicholson be further instructed to keep his hands off and not try to coerce, influence, or control the actions of our councils. We want our councils to be free from interference from outside influences. We don't want Supt. Nicholson to dictate what our tribe shall do at our councils.

We hereby authorize Thomas Prickett to go to Washington, D. C., to deliver this our petition before the Secretary of the Interior.

MITCHELL OSHKENANIEW.

COPIES OF COMPLAINTS MADE BY MENOMINEE INDIANS AGAINST THE SUPERINTENDENT OF KESHENA INDIAN SCHOOL, NEOPIT, WIS.; HEARINGS OF THE MENOMINEE DELEGATION BEFORE THE COMMISSIONER OF INDIAN AFFAIRS IN FEBRUARY AND MARCH OF 1912, AND OF OTHER PAPERS RELATING TO THE ADMINISTRATION OF AFFAIRS ON THE MENOMINEE INDIAN RESERVATION BY MR. A. S. NICHOLSON, SUPERINTENDENT.

[Taken from Indian Office file No. 105524-1911-056.]

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
MENOMINEE INDIAN MILLS,
Neopit, Wis., February 23, 1912.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I am inclosing you herewith copies of certain letters handed me by Reginald Oshkosh, just prior to the departure of the delegation for Washington, as the matter contained therein is likely to come before you under some form. In his memorial he makes certain claims and charges to which he might properly be brought to an accounting. It might be pointed out to him the fact that the Neopit operations were established as a school of industry for the Indians and at the same time be a business enterprise producing profit for the tribe. In this connection, somewhat over 200 Indians are employed continuously the year around, learning the value of steady employment, and there are numbers of them serving apprenticeships for places higher up after they display the inclination to make good in them. (I inclose a list of employees showing the example.)

It could be pointed out to them that agitations such as this is not of value, but a real hindrance to this operation, as it makes dissatisfied men who are being taught the value of continuous labor, and this agitation should be quelled even if some strenuous action should have to be taken. The agitation of these men should be stopped. It is only an effort to have themselves placed in some places where they will receive high wages and have no work to perform, as they are not fit in any manner to be of real value to the operation. The record of Oshkosh, Prickett, and Oshkananiew, is a very safe guide to follow as to their ability, honesty, and integrity in looking after tribal matters, when intrusted to them. The tribe had a business committee here some time ago, to look after its affairs, which had to be abolished on complaint of the tribe itself. Some of these delegates were members of it.

Oshkosh was removed from its chairmanship by the tribe itself for not tending to business and his inclination to drink. He later had the position here as employment agent which was discontinued because he did nothing and because of his liking for liquor. He is charged by the tribe in the past with putting the tribe on record as favoring the granting of the right of way to the Wisconsin & Northern Railway when as a matter of fact they were opposed to it. Oshkananiew's conduct in acting as secre-

tary of the business committee in the past was such as to cause condemnation of the tribe and their passing a resolution barring him from representing them in an official capacity. Prickett's conduct on the reservation was such as to cause the tribe to pass a resolution recommending his removal from the reservation and he is, in fact, now on the reservation only on his good behavior. These three men, with two or three others, have always been a source of trouble to the Menominees and always will be, unless sharply brought to a halt. They are high priests in fomenting trouble, seeking always their own ends, and preaching to the tribe their great interest in its welfare. If it had not been for the period of rest and peace the Menominees have enjoyed the two years past, making them forget past troubles, and the nonpayment of annuity, these men could never have stirred the tribe up to sending them to Washington. They seized the opportunity, enlarged upon it, and were thus sent.

Very respectfully,

A. S. NICHOLSON, *Superintendent.*

NEOPIT, WIS., *February 21, 1912.*

Supt. A. S. NICHOLSON,
Neopit, Wis.

SIR: Your letter dated January 27, 1912, directs me to file with you all charges to be made by Indians against the white men mismanaging the various departments of the milling operation at Neopit, Wis., that are under your charge, that you might be enabled to prepare same properly and put it up to the Indian Department.

In reply I will say there has been no charges of the kind placed in my hands by any member of the tribe up to date, nor I, as a representative of the tribe, have been instructed by the tribe officially to do such.

If such is the case later, I shall be very glad to furnish you a copy of same.

Yours, truly,

REGINALD OSHKOSH.

NEOPIT, WIS., *February 21, 1912.*

Supt. A. S. NICHOLSON,
Neopit, Wis.

SIR: While I am at Washington, D. C., I will be pleased if you will send me your answer in regard to this application in care of S. M. Brosius, agent of Indian Rights Association, McGill Building, 908 G Street NW., Washington, D. C., or at the Indian Office. I will call for it there sometime after our arrival there.

Very truly,

REGINALD OSHKOSH.

Hon. A. S. NICHOLSON,
Neopit, Wis.

DEAR SIR: I beg to submit herewith a memorial from the members of the Menominee Tribe of Indians. The Red Man is at the threshold of civilization. He is ready to assume the responsibilities that accompany his entry into the new life. If the future is to hold any of the good things of life in store for him, he should be fitted for those positions of trust and confidence and of responsibility which are inseparably connected with the future welfare and prosperity of the people.

I believe that the time has come when the Indian, and particularly the Menominee Indians, should be entrusted with the management of their own affairs, under the supervision and with the cooperation of a general superintendent only. With this object in view the accompanying memorial is respectfully presented to you for your careful consideration. It is our earnest hope that the fact that it emanates from the Red Man, whom the Government has for many generations been preparing for civilization, will not result in its being denied that careful consideration which would be given to a like request coming from any other owner of property who desired to be entrusted with the management thereof.

Very respectfully, yours,

REGINALD OSHKOSH.

Hon. A. S. NICHOLSON,
Neopit, Wis.

DEAR SIR: We, the undersigned members of the Menominee Tribe of Indians, respectfully petition you to appoint, or to use your influence to secure the appointment of, Reginald Oshkosh as manager of our logging and lumbering operations at Neopit, Wis., under your supervision, until such time as you deem him sufficiently qualified to take over the entire management.

Chief Neopit (his x mark) Oshkosh, James Martin, Judge John (his x mark) Perote, Andrew Kinepoway, Paul Baxter, sr., Louis La Motte, Joe (his x mark) Depiew, Geo. McCall, Wyskesit (his x mark), Simon Beauprey, Jim (his x mark) Konote, Charles Wychesit, Louis Oshkenaniew, John Grignon, Charles Wescott, Silas Neconish, Simon (his x mark) Payawaukee, Peter F. Tebeau, Reuben Oshkosh, Frank Waupoose, Thos. LaBell, William Tebeau, George D. Pecore, Mose Tucker.

MEMORIAL.

Hon. A. S. NICHOLSON
Neopit, Wis.

SIR: For a century the march of civilization has been greeted and welcomed by the Menominee Indians. Although the Government has apparently professed to be solicitous concerning the welfare of the Indians and to cultivate habits of industry and a disposition of assuming responsibilities, nevertheless it is only recently that the Government has shown any real disposition to lend any substantial aid to the Indians, who desire to adapt themselves to take part in the affairs of the business and industrial world.

For many years the Menominee Indians have had among its members men educated at Haskell, Carlisle, and other leading schools of the country. These men have been fully competent to manage the affairs of the tribe. They have successfully conducted logging operations, and demonstrated their business ability in many lines. Notwithstanding this the Government has apparently not seen fit to intrust them in positions connected with the management of their own tribal affairs. All desirable positions have been intrusted to white men, either for the purpose of paying some political debt, or otherwise.

The idea which prompted the construction of a mill at Neopit was to provide positions of trust and responsibility for the Indians, and to train them in the business walks of life. The Indians were all considered competent to undertake such work under the general managing supervision of an agent. The land and timber is the property of the Indians, and they ought to be intrusted with the management thereof, as fast as the capabilities permit.

This would certainly be a far more practical way of educating and civilizing the Indians, than to keep them in menial positions.

The officials sent here by the Government to conduct our affairs have not made a financial success thereof. Unnecessary positions have been created and unnecessary expense entailed.

The red man, who has been looked upon as an inferior, has nevertheless been able to point out the lack of business ability displayed by the Government officials and the great waste of timber and money that was being committed under the management of these Government officials. The fact that such waste was being committed and that such incompetency existed among the officials high in office on the reservation has been clearly demonstrated by past investigations. If the Indians were able to point out these things which it is apparent escaped the notice of the Government officials in charge, is it not reasonable to suppose that the Indians are more competent to manage their affairs than the officials sent here to assume charge thereof?

The recent change effected in the management has not seemed to better the situation. The Indians have been compelled to appeal to the Government time and again for a better business administration of their affairs.

We asked that all political favoritism be eliminated from the appointment of these officials and that honesty and business ability be the one determining factor in the selection of the superintendent of our affairs. When you came to the reservation we believed that you were such a man as we had asked for. You apparently have endeavored to fulfill the expectations of the Indians. You must, however, be mindful of the fact that the plant at Neopit was built for the benefit of the Indians and with a view of intrusting them with positions of responsibility, and to eventually turn over the management of the entire plant to them. We are as anxious to become independent and self-supporting and terminate our relations as wards of the Government as the Government is to have us to do.

The reservation is now surrounded with civilization, the occupation of war and of hunting is merely a matter of history with us, and the ways of the white man have become our ways. Whatever further advancement may be attained in the way of business successes, elevation in our social relations or otherwise, we are anxious to seize. We do not believe that you came to the reservation with the expectation of remaining here indefinitely. We believe that you have the welfare of the Indians sufficiently at heart so that you are willing to step aside whenever the interests of the Indians seem to demand such action, and to turn the reins of the business management at Neopit over to them.

You once suggested that your valuable services might be unexpectedly demanded elsewhere, and that whenever the time came that you must leave that you wanted to be able to leave a competent Indian at the head of every department of the reservation. This is the thing for which the Indians have been preparing; this has been their dream for years. The Indians are fully prepared to assume these responsibilities at this time. They have demonstrated their ability by promptly pointing out any mismanagement in their affairs and by substantiating their charges when they were investigated. Their investigations have extended from the most minor matters on the reservation to those involving investment of over \$1,000,000. Surely no greater proof of their ability should be required.

Among those heretofore entrusted with the management of the most responsible positions of our reservation have been men who have possessed absolutely no qualifications for the positions they held.

E. A. Braniff was fresh from Yale College. He was highly educated for business, but did not possess the practical experience required to successfully conduct an institution such as ours.

A. M. Riley had some experience in logging operations but none in manufacturing, and lacking education, was not qualified for the position to which he was intrusted.

It is a fact that the men intrusted with the management of our affairs have been sadly lacking in some of the qualities that were absolutely essential to the make-up of any man who could succeed in the position.

You came here from the great city of New York, having had more or less business experience. You have, however, never claimed that you have had any experience in lumbering or to have had knowledge of the woods or the manufacture of forest products.

I believe that having been born and reared as a child of the woods, having witnessed logging operations from the time of my childhood, having been educated in one of the leading Indian schools of the country, and having been more or less intimately associated with the present manufacturing plant at Neopit, that I am competent and qualified to succeed you as manager of the plant at Neopit. I should prefer to occupy such position under your supervision as general superintendent of the reservation until such time as you deem it advisable to intrust me with the complete management thereof.

I feel that this position, as well as all other positions of responsibility on the reservation, should be turned over to the Indians. The Indians should be trusted with the management of these positions under your supervision at as early a date as possible. They should be given salaries commensurate with the responsibilities intrusted to them. If they are to be trusted with these positions they should be appointed thereto and trained in the particular lines which they are to fill. If these positions are not to be turned over to the Indians but are to continue as spoils of office for political parties the sooner the Indians are advised of the fact the sooner they will be able to find other lines of occupation or to take such action in the matter as may be deemed advisable. I shall be glad to have you write me in the premises stating whether or not you will favor my appointment at the position of manager.

REGINALD OSHKOSH.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
MENOMINEE INDIAN MILLS,
Neopit, Wis., February 23, 1912.

REGINALD OSHKOSH,
Care of Commissioner of Indian Affairs,
Washington, D. C.

SIR: Replying to your letter and memorial handed me in Shawano prior to your departure to Washington, I have read the same, and in reply would say that it is one more properly to be presented to the Commissioner of Indian Affairs than to me, and

I am accordingly transmitting him a copy for his information. I would suggest that in taking the matters up with him that you should be prepared to answer definitely the grave charges you make that all desirable positions have been filled by white men for the purpose of paying political debts, etc.

You must know that I have no authority to create the place you ask or to take the action you desire.

Respectfully,

A. S. NICHOLSON, *Superintendent.*

HEARING, MENOMINEE INDIAN DELEGATION, BEFORE COMMISSIONER OF INDIAN AFFAIRS, FEBRUARY 26, 1912.

Present: George McCall, Tom Prickett, Weiskesit, Mitchell Oshkenaniew, interpreter, Mose Tucker, Mr. Hannon, Congressman Morse, Mr. Ludington.

THE COMMISSIONER. Now, I would like to hear from whoever wants to speak, but I would like to hear the big things first. I would simply ask this, that at this first meeting, those who speak will put out the big things—things that are of first importance—so that we can get a general idea of what you wish to present, and then we can have another meeting, and go into more detail if we want to.

MITCHELL OSHKENANIEW. This is the first thing I have. It is put in regular order as No. 1. There are 11 things we were sent here by our people to take up, and the first thing I should like to present is in the matter of their annuities. Heretofore they have been getting about \$30 per capita every six months. When they commenced to pay their annuities at first they had been paying at the rate of \$30 per capita every six months. Later on we began to miss one payment, then again afterwards another payment, and so on—that is, we didn't get semiannual payments right along like we did at first, and now here, at the last annuity payment, we got only \$5.34 per capita—the principal from which we draw the interest having been reduced by logging operations, and this winter the Indians found it hard to support themselves on account of the failure of crops for the last two summers; and before the payment was made these Indians had been in the habit of getting their supplies from the stores in the surrounding country where we live, and that the storekeepers, because they thought the Indians would get \$30 per capita, advanced them credit, and when the payment was made they got only \$5 per capita. Then the traders, who had already advanced a lot of money, and had to have it in order to pay their bills, and they refused to trust the Indians any longer, and the crops having been a failure, this made it pretty hard. They do not see how they are going to live, most of them; that you have some money, so we are told, to our credit in the United States Treasury. The interest, the 5 per cent interest, had been used to the amount of \$122,000 to carry on the logging operations at Neopit, and it was our intention to request our agent to request the Commissioner of Indian Affairs to have this fund placed back so that we could get it, and that we could then draw our annuities from that for the benefit of our people; but we feel that we have not been handled right, and we want to take up this matter. Now, here is the first resolution that was put on here, No. 1: "That the old funds deposited years ago to the credit of the tribe be paid to the Indians per capita," that is the old, what we call the old, Menominee Log Fund. It was deposited to the credit of the tribe in the Treasury. It was derived from the sale of our land, I believe. I don't know just how they did get it. It is placed in such a way that we can't use it.

MR. HANNON. What do you mean—that you can't use it? Do you get interest on it—that is, you can't use the principal?

MITCHELL OSHKENANIEW. I have been told that we can't use the principal; second, that efforts be made to save and take care of the timber on various parts of the reservation, which at present can not be handled and taken care of by the Menominee Indian Mills (Neopit project). Now, this refers to the timber we have that the Neopit operations can not reach in the various places away from the railroad in the northeastern part of the reservation.

THE COMMISSIONER. Is that in the Oconto district?

MITCHELL OSHKENANIEW. It was burned something like a year or a year and a half ago, and it is still standing there. Now, here is a resolution, the third resolution, that was adopted, but it is not complete, and I should like to ask what I should do in order to put it before you.

THE COMMISSIONER. Have you a copy back there of the original? You can put it in as you remember, and then you can write out for another copy of the original. You can put in what you recollect of it for our record.

MITCHELL OSHKENANIEW. I will put it in as I understood and as I remember it was offered in the council.

The COMMISSIONER. That would be a good idea for this record.

MITCHELL OSHKENANIEW. Now, when this resolution was offered he says the Menominee Indians be given a voice in the operations here at Neopit in logging and manufacturing operations. He says they are buying lots of machinery and such stuff and various other things without consulting us, and it seems to us they are buying more things than is actually necessary. Third, that the Menominee Indians be given a voice in tribal affairs, including the purchase of property, etc.; fourth, the descendants of the half-breeds, who received their tribal shares in 1849, should be disallowed enrollment with the tribe and should not share further in tribal benefits; fifth, that the delegation protest against the passage of the traders' claim bill; that all claims be paid through the Court of Claims, as heretofore, and not by the Secretary of the Interior Department.

Congressman MORSE. What bill is that?

The COMMISSIONER. There is a bill up to settle old claims for all logging operations up there.

MITCHELL OSHKENANIEW. Sixth, that annuity payments of sufficiently large amount be paid to the members of the tribe at least twice each year; Seventh, that an early decision in favor of returning the interest money used by the Menominee Indian Mills to the tribal funds for deposit at interest be urged; Eighth, the attention of the council was called to the fact that an amount of money sufficient to send three additional delegates of the tribe to Washington had been collected, and it was moved and seconded that the same be elected. The following members were nominated and elected: Wesikesit, Mose Tucker, George McCall, Weikesit, Mose Tucker, and George McCall were elected to act as the three additional delegates to Washington to represent the interests of the tribe, their expenses to be paid from the fund collected from and by the tribe; Ninth, it was moved that while in Washington the delegates should request to have an attorney appointed by the Department for the tribe, for the purpose of looking after tribal matters, such as questions of swamp lands, etc.; Tenth, that the Indians be allowed to look after the interests of the tribe in the matter of labor, etc., on the reservation; Eleventh, that the license of Hollis N. Jewell and L. Edgar St. Louis, of Antigo, Wis., trader selling sewing machines, pianos, etc., be revoked, as his business is not necessary to the welfare of the tribe.

The COMMISSIONER. May I have that copy? I would like to put that in the record. (Mitchell Oshkenaniew hands copy of resolutions to Commissioner.)

Congressman MORSE. Have they been paid out of the interest of this money? Have they been using that in the operations down there or the principal?

The COMMISSIONER. They have been using the principal. They may have been using some of the interest too. I shall have to look that up.

Congressman MORSE. Are they charging some of that to stumpage?

The COMMISSIONER. Well, I think they are using a stumpage account. It is rather a new account. It is an account as a part of their cost-keeping records rather than what we might call money account, but I would like to have that looked up. I suggested that in addition to carrying a capital-account fund and an operating account, that to put it on a real business basis we should carry two new accounts—a stumpage account and a sinking-fund account.

Congressman MORSE. Is there profit enough so that they can be paid, if it is deemed wise, some annuity payments?

The COMMISSIONER. Well, they could be paid annuity payments, of course, from their other funds if Congress permitted it.

Mr. HANNON. You say they are making some profit. Part of this you charge as interest on the payment of the amount that is invested, and then there is a certain amount of a sinking fund to meet the payment of what has been taken out of the Menominee log fund?

The COMMISSIONER. That was my idea, but just how far that has actually been done I should have to look up.

Congressman MORSE. Of course, that is a businesslike way; but what these men want to know is whether this fund is earning interest on the capital invested in the old logging fund; that it would be fair to these Indians to put in their interest fund the amount paid by the payment as interest upon that investment.

The COMMISSIONER. Yes; that would be in line with the plan I had in mind at the start.

Congressman MORSE. I have got another engagement, so I will have to go. I am very much in sympathy with the object to be accomplished by this trip here. I realize the abject poverty of a great many people on the reservation, particularly the old people who are not able to work, and I feel that something has got to be done.

I hope you will do what you can if you have funds available. I realize that you are tied up, like everyone else, but if you can not do anything for them I want them to come to me, and I will do my best to get something through Congress for them. I am absolutely certain that their condition is getting desperate. It has been a long, cold winter.

THE COMMISSIONER. And a very dry summer back of that.

CONGRESSMAN MORSE. Now, Mr. Commissioner, I hope that you will be able to take care of this matter in some way. The other matters are not quite as urgent, while being just as important.

(Here the commissioner arranged to have the delegation call on him again after the matters had been taken up by the office.)

MR. HANNON. Mr. Prickett, you told me something yesterday that I think we should take up this morning, about that car of lumber you said you had the data on. One car of lumber sent to the market. It seems that there was some complaint up there as to the grading of lumber and that in some instances they claimed that lumber of a higher grade than that contracted to go into a particular car has been placed in the car. I don't know whether that is true, or anything else, but they have got the number of the car, and if anything of that kind which they claim has been done, and it seems to me that if there is any way—if you had any man who could trace that car it would be worth while to do it.

MITCHELL OSHKENANIEW. I don't think it was through Mr. Nicholson.

THE COMMISSIONER. Well, the thing to do is this. If we could send an expert to catch the car, then whoever it was we could find out. Have you got the number of the car?

MITCHELL OSHKENANIEW. It is in my other vest.

MR. HANNON. It seems to me that something should be done right away.

THE COMMISSIONER. Who was this shipment made to?

MITCHELL OSHKENANIEW. The Red River Lumber Co., at Chicago.

THE COMMISSIONER. When did that car leave there?

(Mitchell Oshkenaniew, who went to the hotel to get data, returns.)

MITCHELL OSHKENANIEW. It left there the day before we left—on Tuesday, the 20th day of February. Chicago & North Western car No. 57904.

MR. HANNON. Tom Prickett called my attention to this yesterday. I don't know whether it is right or wrong, but it is this: That in the disposition of supplies to Indians who are employed as contractors on the reservation, the commissary adds 20 per cent to the cost of the goods, and they have complained about this. Now, I don't know just what backing there is for their complaint. They claim that is a discrimination against those Indians who are thus employed in some way.

THE COMMISSIONER. We will look that up.

FEBRUARY 28, 1912.

MEMONINEE DELEGATION.

1. That the old funds deposited years ago to the credit of the tribe be paid to the Indians, per capita.

MITCHELL OSHKENANIEW. In this case we refer to the Menominee old fund, which was derived from the sale of land ceded years ago by the Menominees. The money, which amounted to \$153,000, was placed to the credit of the Menominees in the Treasury, and we can not use the principal. We do not know what use has been made of the principal. Inasmuch as we are going to have the whole fund which was derived from the sale of lumber, the Menominees ask the Government to have some legislation prepared that the money may be made available and be distributed to them per capita.

MR. FRANCIS. We will answer that question by letter.

2. That efforts be made to save and take care of timber on various parts of the reservation, which at the present time can not be handled and taken care of by the Menominee Indian mills (Neopit project).

MITCHELL OSHKENANIEW. This has reference to the timber which was burned a year ago last June—about two years ago—the burned-over timber.

THOMAS PRICKETT. The timber is in the northeast corner of the reservation. The mill stands in the southwest corner of the reservation. There are creeks and rivers there, and there is a mill on the east side of the reservation on a creek.

MR. CHITTENDEN. What is the capacity of the mill?

MITCHELL OSHKENANIEW. Twenty-five thousand feet a day.

MR. CHITTENDEN. How much burned timber is there?

THOMAS PRICKETT. Three million feet of burned timber: what we call Evergreen timber. The little mill is not running now.

MR. FRANCIS. As I understand it, you want this little Indian mill to be used by the Indians for cutting this timber?

THOMAS PRICKETT. Yes, sir.

MOSE TUCKER. There are two ways that we can save it. One is by having the timber sold to the highest bidder, and the second way is to have the timber driven down to the mill, and have it sawed into logs by Indian labor.

MR. FRANCIS. You have no particular feeling which way it is done so long as the timber is saved?

A. Yes, sir.

MR. FRANCIS. Your main idea is to save the timber?

A. Yes, sir; it is depreciating in value.

MR. FRANCIS. From your knowledge of the conditions, you believe the most important part of your timber to be attended to is that part at the northeast mills?

A. Yes, sir; in order to save it.

3. That the Menominee Indians be given a voice in tribal affairs, including the purchase of property, etc.

MITCHELL OSHKENANIEW. That question is not complete. I will put it in as I understood it and as I remember it was offered in the council.

THE COMMISSIONER (Mr. Francis reading). That would be a good idea for this record.

MITCHELL OSHKENANIEW. Our people want a voice in the logging operations and in the manufacturing operations, including the purchase of property and machinery.

MR. FRANCIS. Will you explain, if you can, just how much voice you want.

MITCHELL OSHKENANIEW. The principal things we want are these: Now, in the lumber camps they put in white foremen, and we want more Indian foremen. So long as they are spending money that belongs to us we think we ought to have Indian foremen and Indians employed in the logging work. McCall here is an Indian foreman, and he is one of the best foremen we have, and the fact that he is such a good foreman goes to show that we have other Indians who would make good foremen. We think Indians should be employed wherever they are capable and willing to do the work. Then another thing: We want to have a voice in the purchases that are made with our money. Whenever an engine or other machinery is purchased, we want to have something to say about it. Indians who are able to work in the logging camps should be employed as well as white men, and they should be employed as foremen and to do other work around the camps.

MR. FRANCIS. Does not the fact that we have appointed an Indian foreman [pointing to McCall] show that wherever we have found capable Indians we have appointed them?

MITCHELL OSHKENANIEW. I do not think that is the disposition of the manager we have down there.

MR. FRANCIS. Do you think there is a disposition on the part of the manager to discriminate against Indians when they are actually capable of doing the work?

MITCHELL OSHKENANIEW. Yes, sir; we look upon it in that light. That is what they are doing down there now.

MR. FRANCIS. Now, you would like to be consulted regarding the purchase of machinery, etc.?

MITCHELL OSHKENANIEW. That is one of the things we want. Whenever Supt. Nicholson makes purchases of locomotives and other big machinery for the mills, we would like to have a voice in that. I think that as long as they are using the Indians' money to make these big purchases the Indians could have a voice in the purchase. Another thing: It would help to educate the Indians and help them along to have a voice in matters of this kind. Very often machinery has been purchased that has not proven successful, that has been in the nature of an experiment. It has cost a great deal of money and the Indians have lost by that. There has been one locomotive purchased and we were not consulted about it at all. The articles belong to us and our people have to pay for them and they have a right to know about their purchase. That is one way in which the Indians can become educated. We ought to be given a voice in our business matters. The Indians should be consulted whenever any machinery is purchased. A committee of the Indians could be called upon to help pass upon the purchase of machinery whenever it is needed.

MR. FRANCIS. I understand you to mean that if the policy suggested by you should be adopted, whenever Supt. Nicholson wished to purchase a locomotive or a wheel or a piece of machinery he would have to go to the council or representative Indians for permission to purchase them?

MOSE TUCKER. We do not care for these small things. We are only speaking about the big purchases made with money that belongs to the Indians.

Mr. FRANCIS. Do you think a business can be successful where it has too many heads? I am not arguing against your proposition.

MITCHELL OSHKENANIEW. We think it would be advisable to have the matter of big purchases passed upon by a tribal representative.

Mr. FRANCIS. One man to represent the tribe, elected by the tribe? You would be satisfied with some arrangement of that kind?

MITCHELL OSHKENANIEW. Yes, sir; some such arrangement.

MOSE TUCKER. A committee of three to pass upon purchases.

Mr. FRANCIS. I understand you to say that you believe there should be a committee of three or five members of the tribe to act as a check on purchases?

MITCHELL OSHKENANIEW. Yes, sir. Another thing, we would like to have a voice in the matter of employing white people. As it is now there are many white men employed there who are killing much time and not earning their money. When Indians are employed they have to work for their money, and work hard, and I think the white men should be compelled to work hard also. The Indians should be employed when they can do the work. It is not right that white men should be standing around idle and Indians not given employment when they are capable.

THOMAS PRICKETT. Mr. Adams, superintendent of the mills, suggested to Supt. Nicholson the purchase of a burner which would do away with the use of so many teams; but that was not so, for instead of reducing the number of teams needed we had to use one more team than we had before, and the burner was not of much use for that purpose.

Mr. FRANCIS. Is it not a fact that the burner by taking care of the refuse removed the danger of fire.

THOMAS PRICKETT. The slabs were carted away to fill up a swamp, and there is no refuse. There is no trash left around in various places where fire might occur. Another thing, a new locomotive has been bought, together with 25 cars, and I do not think they need them at all.

Mr. FRANCIS (addressing Mr. Chittenden). Has a locomotive been bought, Mr. Chittenden?

Mr. CHITTENDEN. A locomotive has been authorized, but I do not think it has been purchased. I do not know anything about the cars. I do not think Mr. Nicholson would purchase a car unless Mr. Woodcock approved of it.

MITCHELL OSHKENANIEW. We have a great deal of work to be done at the Neopit office and we thought that our people would be employed there, but instead of our people getting employment it is given to white people, and because we are poor Indians we are not getting as much benefit in the way of employment as we should from the money which belongs to us and is being spent there.

Mr. FRANCIS. They are employing white labor instead of Indian?

MITCHELL OSHKENANIEW. They are employing white labor when they should give employment to more Indians. They are employing white men who never saw any timber in their lives. It is a big expense to us.

Mr. CHITTENDEN. There were a great number of Indians employed last year.

MOSE TUCKER. It is through Mr. Woodcock that the Menominees do not get more work there. He will not even give them meals or a ride on the railroad. For instance, a new man came there from the East looking for a job. He did not know anything about the work. They put him in the mill yards on piling. He was there but a short time and as he could not do the work he was given some other kind of work to do. He was placed on clearing work in the mill yards. He was there about eight or ten days. He could not tell hemlock from pine. He was then put back on pile driving. He worked at pile driving for about seven days. He was sent from there to the office, where he read the papers and stood around and did nothing, and finally he went to pile driving again. Then he broke a pile driver because he had had no experience. Then he was given a clerkship at the office. Now he is getting a salary beyond what he is earning. Now that is one thing we think is not right.

Mr. FRANCIS. What is the name of that man?

A. Amsberry. He is what we call a green man. He has had no lumber experience and is not educated as well as we are in lumber operations. He was not brought up in the lumber districts.

Mr. MITCHELL. McCall is a foreman and is one of our best men. He is a lumberman and an honest man. There are others who ought to be given that kind of work. As long as they are spending money that belongs to us, Indians who are capable of doing good work should be given work. We ought to be given a chance and in that way we could be educated and advance in the world, but we have to give way to men from New York, although they have had no experience along the line of work at Neopit. The Indians can not rise to higher positions.

Mr. FRANCIS. Are all of your men in the mills?

A. All.

Mr. McCALL. I am foreman at the mill.

Mr. PRICKETT. I have been a timekeeper, but I am not doing much at that now. I am doing a little insurance work.

MOSE TUCKER. I am a contractor.

Mr. PRICKETT. When I was timekeeper I kept the time of the men and when I found a man idle and sleeping on his job I docked him.

Mr. FRANCIS. Did you dock the Indians as well as the white men?

Mr. PRICKETT. Yes; I docked them the same as the white men who were not working. Some of the Indians are working on the engines and doing other jobs around the mill yards.

MITCHELL OSHKENANIEW. Some of the white men who are employed at the mills are not working as they should. They loaf around and idle away much time and the Indians have to pay for it, and for that reason I say the Menominee Indians ought to be given a voice in the lumber operations at the mill and ought to be given employment wherever they can work. Every Menominee Indian who can work should be given employment and should be given a chance. We have Indian boys who can do the work in the lumber yards and they should be given work in preference to whites.

Mr. FRANCIS. How many men have you working under you [addressing McCall]?

A. One hundred.

Mr. FRANCIS. How many of them are Indians?

A. Thirty Indians.

Mr. FRANCIS. Then you have 70 white men and 30 Indians employed?

A. Yes.

Mr. FRANCIS. Do you have the power to discharge?

A. Yes, sir; I make the wages and I do the discharging.

Mr. FRANCIS. Have you the power to appoint?

A. Yes, sir.

Mr. FRANCIS. How is it you do not employ more Indians?

A. I have 25 or 30 employed and whenever I need another I appoint an Indian if he can do the work, but the Indians are not always able to do the work. They can only do certain kinds of work, and they like to do the work they are capable of doing. When I have a full crew I do not take on any more men, but when my crew is not full I appoint Indians when they can do the work.

Mr. FRANCIS. Is that true of all the foremen?

A. I do not know about what the other foremen always do. Some Indian boys are employed around the lumber yards.

Mr. FRANCIS. Then it is true that some Indians can do the work as well as white men?

A. Yes, sir; in some cases, but the Indians like to chose the work they can do best. They can use the hook.

Mr. FRANCIS. Some of the Indians can use the hook?

A. Yes, sir; they are good hook men and can earn good wages.

Mr. FRANCIS. What wages are paid the hook men?

A. The hook men get from \$35 to \$40 a month.

Mr. FRANCIS. How many are employed as hook men?

A. A good many; over one-third of the crew.

Mr. FRANCIS. When you do not have a full crew, could you get rid of white men and take on more Indians?

A. I guess I could. If they are not doing their work right I fire them and get others in their places.

Mr. FRANCIS. Then you have the power to fire employees who are not doing good work?

A. Yes, sir; that is what I do.

Mr. FRANCIS. Why don't you employ more Indians on your own account?

A. I hire all I can get near by where they live. They like to work near their homes.

Mr. FRANCIS. You will hire all the Indians you can get?

A. Yes, sir.

Mr. FRANCIS. Indians have the right of way so far as employment is concerned at Neopit?

A. I employ Indians whenever I can, but it is different with the white men. Sometimes the foreman has a white man acquaintance who wants a job, and the white man persuades him to appoint him instead of an Indian. That is the way some of the white men are appointed, and it often happens that they have had no experience in the milling operations, but get their jobs through friendship with the foreman.

Mr. FRANCIS. You ought to have more Indians on your crew than 39. You ought to have all Indians.

A. I get them when I can. I can not help them all. After my crew is full I do not need any more.

MITCHELL OSHKENANIEW. He has 30 Indians and he would like to get others if he could, but all Indians can not do all kinds of work; some of them are able to do only certain kinds of work, and they are given the kind of work they are best able to do. He would like to have all Indians do the work.

4. That the descendants of the half-breeds who received their tribal shares in 1849 should be disallowed enrollment with the tribe and should not share further in tribal benefits.

MITCHELL OSHKENANIEW. That has been settled.

5. That the delegation protest against the passage of the traders' claim bill; that all claims be paid through the Secretary of the Interior Department.

Mr. FRANCIS. Please explain that.

MITCHELL OSHKENANIEW. As we understand it, the traders who have claims against us had a bill passed by Congress which has been referred to the Court of Claims. These claims are now pending, and they are now losing ground, as I understand it. The suit should be for tribal liabilities and they are going to get it brought against individuals. We protest against the claims being made against individuals.

6. That annuity payments of sufficiently large amount be paid to the members of the tribe, at least twice each year.

MITCHELL OSHKENANIEW. Now, we want semiannual annuity payments because we want to go into the farming and stock raising business and we can not do much in that line now because we can not buy much. If we get larger payments we would be able to purchase more stock and buy more agricultural implements and get started in agriculture. We want to get something to start with. That is what we are asking for. We also want a financial statement.

7. That an early decision in favor of returning the interest money used by the Menominee mills to the tribal funds for deposit at interest be urged.

MITCHELL OSHKENANIEW. To carry on operations at Neopit they took \$122,000 from the interest on our five per cent fund. When they came to pay us they only gave us \$15.24 per capita and we asked \$30 per capita. We want this interest money refunded to us because we are in need of it.

WASHINGTON, D. C., March 4, 1912.

The honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: We, the undersigned members of the Menominee delegation now in Washington representing the wishes of our tribe, desire to call to your attention the following defects in the management of the affairs of said tribe:

When the mill at Neopit shuts down the head sawyers are kept at work on repairs for the purpose of holding them over, and are paid big wages until the mill commences to run again.

More than the necessary number of men are employed in the manufacturing operations at Neopit and they are not worked nearly as hard as similar laborers in private lumber mills.

We have about 35,000,000 feet of lumber piled up in the lumber yard and we have room for about 10,000,000 or 15,000,000 more, but the management is now building a new mill yard across the river in which to pile up the lumber which is being cut this winter. There is no necessity of going into this expense. The lumber now piled up in the yard should be sold and converted into cash, even at a loss, because much of it has been lying there from two to three years and is rapidly spoiling. If it was sold and taken away it would make room for the new-cut lumber and save the necessity of building a new yard.

There is in this yard a considerable amount of miscut lumber and when a buyer comes he is quick to see this defect and the sale of all our lumber is injured. The mill runs day and night and the day and night shift each try to see which can saw the most lumber. The result of this contest between the head sawyers of the day and night shifts is that much of our lumber is butchered and miscut. Therefore, from this time on, it seems to us, it would be advisable to have the superintendent instructed that if any more lumber is miscut at the Neopit mill the amount of such miscut shall be ascertained and damage charged up against the head sawyer responsible for the miscut. In this way we think the wasting of our timber in the future can be prevented.

In regard to the conduct of business in the lumber yard at the Menominee Indian mills at Neopit, we desire to point out certain matters which we would like to have looked into and if, after investigation, what we say is found to be true, we would like that something be done to remedy the evil.

Mr. B. C. Nelson is the yard superintendent. It is our impression that he employs more men than is necessary. These men when at work are not looked after by the foremen, consequently they kill much time, but they draw full day's wages.

Mr. Charlie Woodcock has been our superintendent of logging for nearly two years, and during this time, judging by the way he has managed the logging operations he, in our judgment, has proved himself to be incompetent.

For the purpose of hauling logs from the woods to the mills at Neopit, Mr. Woodcock builds logging railroads. In a certain instance, after one branch road was cut, graded, and the ties and the rails were laid, but before the railroad was used he (Woodcock) abandoned the same and caused the rails to be taken off and taken to another road which ran parallel to the one from which he took the rails. The expense of building this railroad was money thrown away.

In loading logs on the cars in the woods, gasoline jammers are used. Owing to the carelessness on the part of the foremen who are in charge of these logging operations, one gasoline jammer, which cost us \$2,500, was last summer tipped over and damaged beyond repair.

A year ago Mr. Woodcock let a clearing contract to certain men to cut the timber on the right of way on the logging railroad which leads to Evergreen on the reservation. This timber was not cut into logs and hauled to the mill as it should have been. The timber lying immediately along the track was cut up into such lengths as to be easily hauled and was thrown on either side of the track in and on the right of the way. This timber has been lying there since that time and is worth a considerable sum of money. It is, however, now greatly depreciated in value. We attribute this loss to the bad management of the superintendent, Charlie Woodcock.

There is on the reservation a considerable quantity of burnt timber. Some of this timber was burnt two years ago and part of it a year ago last summer. If Mr. Woodcock knew his business he ought to have cut the burnt timber first so as to save it. Instead he has cut green standing timber, while this burnt timber has been going to waste.

We further desire to state that the hauling of the logs by rail from Evergreen to the mills at Neopit was last summer badly managed by Charles Woodcock, as we shall endeavor to show herein. The Menominee Indian logging train generally left Neopit for Evergreen at about 4.30 a. m. When the train arrived at the logging camps at Evergreen the cars were already loaded and the train immediately starts on its return. When it arrives at Neopit it has to stop at a distance to wait for the Wisconsin Northern train to get through switching there and get out of the way. For this reason the Menominee logging train has to wait each morning about an hour and a half before it can get into the mill yard to unload. This is the first trip in the morning. The train on its second trip generally left Neopit for the woods at about 10 o'clock and returned in the afternoon at about 1.30, and at this time the Wisconsin Northern train arrives at Neopit from Shawano, Wis. The logging train is again obliged to wait at the junction about an hour and a half.

After the Wisconsin Northern train leaves Neopit for Van Ostrand and has gone past the junction, the logging train leaves the junction, which is about 4 miles from the mills. This is the second trip. The logging train can not leave Neopit for Evergreen in the afternoon on its third trip until after the Wisconsin Northern train has gone by on its return trip from Van Ostrand by way of Neopit to Shawano. The logging train generally left Neopit on its third trip after 4 p. m. and arrives at the camps at Evergreen with empty cars at from 5.30 to 6.30 in the afternoon, and sometimes later.

We had from 50 to 70 men in the camps at work loading logs on the cars. Because the cars came too late in the afternoon the men were obliged to work late at night, loading for the next day early train, so these men got in a lot of overtime, which was a big expense to the Menominee tribe. This big expense could have been avoided by having the train on its first trip leave the camps in the woods early in the morning, so that it would have arrived at the mill at Neopit before the Wisconsin Northern train came in from Shawano.

The delay in the afternoon could also have been avoided in the same way by having the logging train arrive at Neopit before the Wisconsin Northern train came in. Experienced trainmen who know what they are talking about all say this, but Woodcock would not see it, and the result was that he made a large unnecessary expense to our tribe.

A year ago this winter Charles Woodcock caused to be built a dock for unloading logs into the pond. The railroad track was then laid along the dock. The bed of

the track was made by throwing slabs on the ice and then sand on top. To do this it cost the tribe a considerable sum of money. In the spring, when the ice melted, the railroad track caved in and had to be rebuilt at a large expense.

During the past three summers about a million feet of logs and cedar poles in the pond at our mill were condemned by the management. This timber was then sluiced through the dam and floated downstream by an Indian. Last summer and the summer before this Indian sold these logs to a man who put up a mill some distance down the river, outside the reservation. This man had these logs sawed into lumber, which he sold for \$9 per thousand feet delivered at the track.

Last summer with plenty of refuse timber on hand over a million feet of good merchantable logs were used to fill in a bog hole. Then hog feed and dirt were thrown over them to make a place for a lumber yard.

Menominee Indians are not now given employment in the Government barn at Neopit and only outsiders are given such employment. Mr. Bennett, the boss at this barn, and overseer of stock, gets we are informed \$1,500 a year, and two other men who work there, one a white man and the other a Stockbridge Indian, each get about \$2 or \$2.25 per day.

We have an architect at Neopit whose name is Dowling. This man came from New York a year ago last fall. He has charge of the construction of buildings. His salary is \$1,200 a year. When this man makes plans for the houses he goes to Mr. Weisenbone to assist him. Mr. Weisenbone, who is employed at Neopit, is a practical carpenter, having learned his trade, he informed us, in Germany. It would be well, we insist, to have Mr. Dowling's position abolished. Mr. Weisenbone could just as well do all that work without Mr. Dowling, and by abolishing said position we could save \$100 per month.

We have another man who is now employed at Neopit about whom we wish to make particular mention. His name is Hanbury. He came from New York about the first part of January. When he came to Neopit he got a job to tally in the lumber yard. We are told that he could not do this work. He was then put to oversee a crew consisting of about 12 or 15 men who were clearing land for a new lumber yard. Men who worked in this crew say that this man (Hanbury) would go to the place where the men were working and stand around there for a few minutes, then he would leave there and sit down in some shop and smoke his pipe. Some afternoons it is reported he did not go at all to the place where the men were working. He was finally given a position running a pile driver. Not knowing how to run this, he broke it. He blew out all the packing in the pile-driver engine. Other men who knew something of pile drivers fixed it for him. Then he went to work and in eight days it is reported he drove only seven piles, which is considered very slow work by those who are accustomed to the business.

While Hanbury was trying to fix the broken pile driver, the boys who were working under him, knowing that he was a greenhorn, in a joke told him that he had to have the crosshaul in order to remove the pile driver. They told him to go to the warehouse after it. He went to the warehouse and inquired for the crosshaul. From there he was sent to the blacksmith shop, and from there to another place in search of the crosshaul. Finally some one took pity on him by telling him what a crosshaul was and that it was only a joke on him. Our object in mentioning this fact is for the purpose of illustrating how men like this one from the East, who are greenhorns and incompetent, are appointed to important positions to teach the Menominees industrial pursuits at Neopit. Such men as this one we speak of are not the kind of men who should be appointed for positions there because they are of no use there. They come only to draw fat salaries in positions for which they are not competent.

The law says that skilled men shall be employed for the various positions in the operations at Neopit, but this is not being done. It is now the practice that when a superintendent is appointed to take charge of the Menominees Reservation he brings with him his relatives or friends and gives them high-salaried positions. Mr. Riley, who was our superintendent before Mr. Nicholson, did this. And when Mr. Nicholson came from New York he brought with him Mr. Bennett, his father-in-law, whom he appointed as barn boss and overseer of live stock at a salary of \$1,500 a year. Then came Hanbury, who was given a job in the office at Neopit after he had failed to do other kinds of work, as stated herein. This we believe is because Hanbury is a relative of Nicholson, as Hanbury himself told one of our boys that he was a relative of Supt. Nicholson. Then there is Dowling, from New York; he also must be some friend or relative of Nicholson.

The management is planning to open up a big farm to grow farm produce of all kinds to be used in the logging operations. We are not in favor of this plan, because we know that it is going to be very expensive, and the management, we understand, is going into it on a large scale at our expense. We do not farm much now, because

we have not the means, but as soon as we get our moneys which we are asking for now we intend to go to farming and raise live stock, etc. As it is now, we have a market for farm products at Neopit, and this will continue as long as we do not have a big Government farm to compete with us. But after a big farm is opened up there and the management raises all the produce needed in the lumber camps in the woods, it will cut off our market, and it does not seem to us that this should be done. We have had in the past two Government farms opened up on our reservation at a considerable expense to the tribe, but both have proven failures. We, therefore, do not desire to go into the expense of again trying this costly experiment. What we do most earnestly desire is that strict economy be practiced in every department in the operations at Neopit, to the end that our finances be again placed upon a sure foundation.

It is the desire of the tribe that the Menominees be given jobs or contracts to cut the timber and deliver the same to the railroad tracks or streams at so much per thousand feet. As it is now, the management does the logging. Horses have been bought which are used in logging, and when the logging is done each winter these horses have to be fed through the summer without any work for them to do. As a result they eat up a considerable portion of the profits. If the Menominees were permitted to log, we would not need as many horses as we now have at Neopit, and the cost of keeping them could be eliminated.

We respectfully request that a careful and complete investigation be made concerning conditions of our affairs to which we here refer, and if our statements are found to be true we desire that the Menominees shall be given a voice in all the operations at Neopit, and to this end we ask that a directorate or a committee consisting of members of the tribe be chosen by our council for the purpose of consulting with and advising superintendent and other persons in charge of our business matter.

Yours, respectfully,

MOSE TUCKER.
GEO. MCCALL.
WEISKESIT.

MARCH 5, 1912.

MEMORANDUM FOR MR. FRANCIS REGARDING POINTS BROUGHT UP BY THE MENOMINEE INDIAN DELEGATION.

With regard to question 2, that efforts be made to save and take care of timber on various parts of the reservation, which at the present time can not be handled and taken care of by the Menominee Indian mills, the matter of operating the small mill now on the east side of the reservation to take care of the burned timber on the northeast corner of the reservation will be taken up through Mr. Hamilton and South. Nicholson. If possible this mill will be started, and in this way the Indians will be given an opportunity for work on the reservation.

With regard to question 3, that the Menominee Indians be given voice in tribal affairs, including the purchase of property, etc., the matter ought to be taken up with the commissioner. It is believed this might be a good thing, provided a committee of suitable Indians of not over three at the most, be appointed to take up large purchases with the superintendent. A committee like the old business committee is not thought advisable. The whole matter would depend upon the personnel of such a committee. It is easily conceivable that they would greatly hamper the work. The division of control would not be advisable in such a large business proposition as this, unless the board of control were all fully qualified for such responsibility. An investigation of Mr. Woodcock, superintendent of logging, and the entire question of employment of Indian labor at the mills and in the woods, will be taken up at once through Mr. Hamilton, lumberman. Last year an average for each quarter of 261 Indians were employed on the operation, being over 49 per cent of the male members of the tribe over 18 years of age. They earned a total of \$67,596.02. Probably the difficulty in the Indians obtaining labor at the camps is that when the work is first started in the fall they do not apply for positions. It is necessary to complete the crews at the beginning of the work, and, if Indians do not apply for positions, white men must be obtained. Once the camps are under way the white men can not be discharged in order to make room for an Indian who applies for work after the work has been under way for some weeks or months. The Indians are on the reservation and must know about when the woods work will start up, and should, therefore, be able to apply for work before a white man, who must come, for the most part, from a distance.

With regard to question 5, that the delegation protest against the passage of the traders' claim bill; that all claims be paid through the Court of Claims, as heretofore, and not by the Secretary of the Interior, the matter of settlement of these claims is still pending in the Court of Claims.

With regard to the matter they brought up at the hearing before the commissioner, on pages 9 and 10 of the minutes of that hearing, regarding the grade of lumber which was shipped in car No. 57904, consigned to the Red River Lumber Co., of Chicago, on February 20, 1912, the matter was fully investigated by the office. At the request of the office the Forest Service instructed Mr. H. S. Sackett, of that service, which is in no way connected with the Indian Service, to obtain a regrading of the car upon its arrival in Chicago. Mr. Sackett found that the car had already reached there and had been sold unopened to the South Side Lumber Co. He states that he went out to the plant of the South Side Lumber Co. and found that some of the material had been unloaded direct from the car to a wagon and had been sold to a contractor in the vicinity for sheathing. Most of the material, however, was stacked in the yard. He made a personal investigation of all this material and found it to be 1 by 4 inch stock, S4S and from 10 to 18 feet long, all No. 3 white pine. He obtained an affidavit from Mr. Frank Miller, tallyman of the South Side Lumber Co., Chicago, showing the grade and amount of white pine contained in this car. This affidavit shows the lumber to be No. 3 white pine, as stated above. There is attached a copy of Mr. Sackett's letters of February 28 and March 1, 1912, together with a copy of the affidavit of Mr. Frank Miller.

B. S. QUILLIN, *Forester.*

MARCH 7, 1912.

MEMORANDUM FOR MENOMINEE DELEGATION.

The office is of the opinion that the Menominee Indians do not at this time need the services of a tribal attorney. There are now pending before Congress two bills—H. R. 19414 and S. 5151—the purpose of which is to authorize any Indian tribe or band to present their claims against the United States to the Court of Claims for adjudication. Should either of these bills be enacted into law, the Indians should then take up with the office the question of engaging a tribal attorney.

In connection with the claims of traders against the Menominee tribe, it appears that under the provisions of May 29, 1908 (35 Stat. L., 441, 445) certain claims against the Menominee tribe of Indians have been presented to the Court of Claims for adjudication for alleged balances due on account of supplies furnished individual Indians. The last information the office has on the subject is contained in a letter from the Department of Justice dated February 23, 1911, in which it was said that demurrers were filed in all the traders' cases against the Menominee Indians, but the briefs were filed and arguments made in the case of F. F. Green, No. 30179, in which a judgment of the Court of Claims was rendered on January 16, 1911, sustaining the demurrer as to the liability of the tribe but overruling the same as to the liability of individual Indians. The Department of Justice said that it understood that the attorneys for the claimants were considering the advisability of taking an appeal to the Supreme Court, in which case it was the intention of that department to file a cross appeal contesting the liability of the individual members of the tribe. The office will ask the department to make inquiry of the Department of Justice as to the present status of this case.

HEARING, MENOMINEE INDIAN DELEGATION, BEFORE CHIEF OF THE LAND DIVISION, OFFICE OF INDIAN AFFAIRS, MARCH 9, 1912.

Present: John Francis, jr., Chief of Land Division, Indian Office; Mr. Chittenden, forester; Mitchell Oshkenaniew, Reginald Oshkosh, Mose Tucker, Weiskesit, Tom Prickett, George McCall.

MR. FRANCIS. What we want to know is the truth about the reservation; anything you may care to say about the Menominee operations. Who wants to talk first?

MITCHELL. OSHKENANIEW. Well, that is the way we look at it. The act of 1908, the logging act, was for the purpose of making money for us and more money than we have been making under the act of 1890. Another was to educate the Indians in the various lines of business in connection with logging operations. Now instead of giving us the employment that we wanted, some of our boys are denied employment and that

is what we do not like. For instance, white foremen will give employment to all their friends, to the people whom they know, and when our boys ask employment, they are turned down as a general rule. We have watched it. Now, the Indians do not like it. In their logging camps, they say that if they want employment, they should first find how many Indians want work, how many want work who are willing and able; then after they get all the Indians employed who need work, they could get white people to fill the other positions. Now, in that way, we would not feel bad as we do in this way. Another thing, we want skilled men to run these camps and in all positions skilled men who understand the business and then we want the Indians encouraged by being advanced; for instance, if an Indian gets a job and does the work well, he should be encouraged to work hard so that he could go higher, and he could be encouraged by being promoted, so that he could see that there was a chance to go higher up. But we aren't getting that. Instead of teaching the Indians in the lumber business, they give preference to whites. Now let me illustrate this, what I mean. Now, we have been living on that reservation from our childhood up to this time. When the mill was run at Neopit I went there. I became the timekeeper. That was two years ago. I keep the time now. Now, there was a man that came from New York, a Mr. Hanberry. He is some relative or friend of Mr. Nicholson. He came from New York the latter part of January, or rather, I mean the first part of January. When he came there he was given employment and the amount of pay he got for a month was \$75, but I am not sure. I may be mistaken about the amount of his wages. They made him tallyman, and the superintendent told me this himself—he could not do it, so they transferred him to a position where he was a kind of overseer and should be with the men from morning till night, clearing land. The men said he would come there at 9, stay there for a few minutes, go back across the river to smoke and talk with the men, and some afternoons he would not go at all. Now, when he got through there, they sent him to work running the pile driver. Now, this man didn't understand pile driving. The boys for the fun of the thing told him one day they needed a cross haul to do the work. He actually believed what they told him. Made inquiry for it. Now when he made this inquiry they sent him to the blacksmith shop. From there they sent him elsewhere, until he was finally told the facts, as to what it was.

Now, this is why I make this illustration. This man coming from New York is given preference. He is sent ahead of us and we do not understand this. We have been living there right along and trying to get up higher. The white people are given preference in the work and the Indian is pushed to the bottom. That is what we are complaining about.

Another thing. Mr. Nelson is a yard superintendent at the mill. I don't know when he commenced, but he was there when I came there. There were men grading lumber there and certain men to ship the lumber. Now, this man put in his own son and his two sons are now doing the work.

Mr. FRANCIS. What are the names of those people?

MITCHELL OSHKENANIEW. Reuben Nelson and the other one is Nabert Nelson. Now, he puts those men to do that work. Of course they get a little higher pay. And he keeps them there and the Indians could not get that job. Now, he gives preference to his own people. People who are not familiar with the work and who are given preference.

Now, the idea I am trying to convey is this, that the object of this act was to educate the Indians to get positions and then to be encouraged to go right up. Now, this isn't educating the Indians as we understand it. White people are taking the benefit of the education which we Indians are entitled to get. If we Indians were helped to these positions and then given preference to encourage us so that we could make some headway and get better positions, we would be very proud, but we are being held back and white people are given the preference, as in the case of this Nelson's sons. Before they struck Neopit they had positions as driving mules and the like. But when they got there they took this man and others and gave them the best positions. This is the idea I am trying to impress upon you. It is true in other departments in the lumber camps as we may hear of. Now, that is as much as I can say.

REGINALD OSHKOSH. I will add a little more to his complaint. Here recently I made a request to the superintendent at Keshena for a position. That there be appointed apprentices to each department as to logging superintendent, assistant logging superintendent. That is my suggestion and I went to work and drew up a memorial and filed it with the superintendent. The idea and the purpose of constructing this mill at Neopit in the first place—the idea first came from the Indian—that we build a mill and that we go in on a small scale, as we did in the year 1890—June 13, 1890—that we cut our own timber with our own boys and train them, give them industrial education and teach them to be economical, and by so doing, we accumulated our fund from the proceeds of our timber, which we handled to almost

\$2,000,000. Now, then, we thought that if these buyers of our timber could make lumber at the mouth of the Wolf River, to which our timber is floated, could make money by manufacturing it, why we could manufacture our timber and accumulate more money and take their profit, and we could make profit on it. So we secure legislation, and knowing that there are some nice positions there, too nice for the Indian to have, we intended to create positions for them; but positions have been created and that by white men and the Indian is denied the position as we first intended our people to have. Our idea in perfecting the mill up there was to go on a small scale, not extensively; to experiment more than to go into manufacturing, so if we could make money, then we could go into it a little heavier. But the minute the politicians saw we could pay good salaries—"Why, Mr. Indian, that is too nice for you," and steps in and creates a lot of these fancy positions at a high salary. I will give one illustration. Mr. Linnen, who is an inspector of the Interior Department, I think, came up there. Professed to be the Indians' friend. He did some criticising of the affairs of the service. He goes to work and suggests that a sales agent be appointed, and he recommends a man by such-and-such a name—now, it escapes my mind (meaning the name of the man). I can show you that man. Later on, we found that it was the son-in-law of Mr. Linnen.

MR. FRANCIS. Of whom?

REGINALD OSHKOSH. Of Mr. Linnen. He creates also the position of superintendent of live stock and puts a political friend, Roubideaux (spelling doubtful). Another expensive position created was at \$6,000 a year as officer for suppressing the liquor traffic. Now, this is wrong. To use the money the Indians have accumulated for 18 or 20 years which was intended to be used for the Indians' industrial education—that is what we complain about. From that time up to this, administration after administration has changed and they all have given us the same song. We would rather hear a new song. Give the Indian the privilege of managing his own affairs. Throw the responsibility onto the Indian. We have come to the threshold of civilization. If we are ever going to be like you we might as well get into the harness now as later. If we are ever going to get into the business of running our affairs, with your privilege of showing about anything, now is the time. We do not ask anything from the Government. There has never been any gratuities shown by it as far back as I can remember. Why should we be denied these things we ask for? Now, I have gone too far. I will give you a copy of my application. I do not care for the position, but just to test this office, their idea, their opinion, whether or not there is anything for the Indian in this generation, and if there is, we would like to know, and this [indicating paper] is the answer I got, and I would like to have the commissioner answer that, also.

MR. FRANCIS. Will you file this?

A. Yes; you can file it.

MR. FRANCIS. You have got a copy?

A. Yes. (Reads:)

For a century the march of civilization has been greeted and welcomed by the Menominee Indians. Although the Government has apparently professed to be solicitous concerning the welfare of the Indians and to cultivate habits of industry and a disposition of assuming responsibilities, nevertheless, it is only recently that the Government has shown any real disposition to lend any substantial aid to the Indians, who desire to adapt themselves to take part in the affairs of the business and industrial world.

For many years the Menominee Indians have had among its members men educated at Haskell, Carlisle, and other leading schools in the country. These men have been fully competent to manage the affairs of the tribe. They have successfully conducted logging operations, and demonstrated their business ability in many lines. Notwithstanding this the Government has apparently not seen fit to entrust them in positions connected with the management of their own tribal affairs. All desirable positions have been entrusted to white men, either for the purpose of paying some political debt or otherwise. Now, that is a serious question. You may think that we, any of us, hold high positions. There is no one of us that holds a high position. What was first intended was to give the Indian an industrial education, but they are denied, and if they are robbing us of positions they are robbing us of the education of the tribe.

The idea which prompted the construction of a mill at Neopit was to provide positions of trust and responsibility for the Indians and to train them in the business walks of life. The Indians were all considered competent to undertake such work under the general managing supervision of an agent. The land and timber is the property of the Indians, and they ought to be entrusted with the management thereof, as fast as their capabilities permit.

This would certainly be a far more practical way of educating and civilizing the Indians, than to keep them in menial positions.

The officials sent here by the Government, to conduct our affairs, have not made a financial success thereof. Unnecessary positions have been created and unnecessary expense entailed.

The red man, who has been looked upon as an inferior, has nevertheless, been able to point out the lack of business ability displayed by the Government officials, and the great waste of timber and money that was being committed under the management of these Government officials. The fact that such waste was being committed, and that such incompetency existed among the officials high in office on the reservation, has been clearly demonstrated by past investigations. If the Indians were able to point out these things which it is apparent escaped the notice of the Government officials in charge, is it not reasonable to suppose that the Indians are more competent to manage their affairs, than the officials sent here to assume charge thereof?

The recent change effected in the management has not seemed to better the situation. The Indians have been compelled to appeal to the Government time and again for a better business administration of their affairs.

We asked that all political favoritism be eliminated from the appointment of these officials, and that honesty and business ability be the one determining factor in the selection of the superintendent of our affairs. When you came to the reservation we believed that you were such a man as we asked for. You apparently have endeavored to fulfill the expectations of the Indians. You must, however, be mindful of the fact, that the plant at Neopit was built for the benefit of the Indians, and with the view of entrusting them with positions of responsibility, and to eventually turn over the management of the entire plant to them. We are as anxious to become independent and self-supporting and terminate our relations as wards of the Government, as the Government is to have us to do so.

The reservation is now surrounded with civilization. The occupation of war and of hunting is merely a matter of history with us, and the ways of the white man have become our ways. Whatever further advancement may be attained in the way of business successes, elevation in our social relations, or otherwise, we are anxious to seize. We do not believe that you came to the reservation with the expectation of remaining here indefinitely. We believe that you have the welfare of the Indians sufficiently at heart so that you are willing to step aside whenever the interests of the Indians seem to demand such action, and to turn the reins of the business management at Neopit over to them.

You once suggested that your valuable services might be unexpectedly demanded elsewhere and that whenever the time came that you must leave that you wanted to be able to leave a competent Indian at the head of every department of the reservation. This is the thing for which the Indians have been preparing; this has been their dream for years. The Indians are fully prepared to assume these responsibilities at this time. They have demonstrated their ability by promptly pointing out any mismanagement in their affairs and by substantiating their charges when they were investigated. Their investigations have extended from the most minor matters on the reservation to those involving the investment of over \$1,000,000. Surely no greater proof of their ability should be required.

Among those heretofore entrusted with the management of the most responsible positions of our reservation have been men who have possessed absolutely no qualifications for the positions they held.

E. A. Braniff was fresh from Yale College. He was highly educated for business but did not possess the practical experience required to successfully conduct an institution such as ours.

Now, he was a good man, was Mr. Braniff, but he was cut out for only one thing, and he should have stayed in his place. Mr. Braniff was in Yale College and he practiced to play football—was a good football player, and I should think he would keep on playing football. That is all he is cut out for.

A. M. Riley had some experience in logging operations but none in manufacturing and, lacking education, was not qualified for the position to which he was entrusted.

You came here from the great city of New York, having had more or less business experience. You have, however, never claimed you have had any experience in lumbering or to have had knowledge of the woods or the manufacture of forest products.

I believe that, having been born and reared as a child of the woods; having witnessed logging operations from the time of my childhood; having been educated in one of the leading Indian schools of the country; and having been more or less intimately associated with the present manufacturing plant at Neopit, that I am competent and qualified to succeed you as manager of the plant at Neopit. I should prefer to occupy such position under your supervision as general superintendent of

the reservation until such time as you deem it advisable to entrust me with the complete management thereof.

I feel that this position, as well as all other positions of responsibility on the reservation, should be turned over to the Indians. The Indians should be trusted with the management of these positions under your supervision at as early a date as possible. They should be given salaries commensurate with the responsibilities intrusted to them. If they are to be trusted with these positions, they should be appointed thereto and trained in the particular lines which they are to fill. If these positions are not to be turned over to the Indians, but are to continue as spoils of office for political parties, the sooner the Indians are advised of this fact the sooner they will be able to find other lines of occupation or to take such action in the matter as may be deemed advisable. I shall be glad to have you write me in the premises, stating whether or not you will favor my appointment to the position of manager.

The plant at Neopit will never pay—it will empty the money from the United States Treasury—as long as you have incompetent men sent there to squander it away. Not until experienced men are put at the head of every department, not until then, will we be able to accumulate funds. The best cuts of timber have already been made. The pine was cut and commanded a high price, nothing but the pine, and it showed in this office as though we were making money, but we are not. This, no doubt, has led the office to believe that the mill is paying, but what is going to be the next cut? When we make that, taken into consideration with all this extravagance, will that pay? Each year takes a little more from the Treasury, the fund is diminishing fast, and if this is to continue we want—we have been authorized to request the Indian Office—to discontinue the mill if we can't make that mill pay. This is why we ask this investigation.

WASHINGTON, D. C., *March 13, 1912.*

To the honorable COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: We, the Menominee delegation, representing the Menominee Indians, beg to say further, that it is the desire of our people that when the next annuity payment is made no less than \$40 per capita be paid to them. We ask for more annuities at this payment to enable our people to pay their store bills for clothing and the necessities of life purchased by them during the winter, and that after paying these they may still have enough money left for them to buy provisions and other things they need while working on their farms during the summer months.

If this is done it will encourage the Indians to farm. These Indians are willing to work, and all they need is capital, or the means to work with.

Last summer and the summer before, crops failed, and the Menominees did not raise much produce on their farms. This occasioned hardship among them in the wintertime.

Those of the Indians whose crops failed them and who could not get employment at Neopit obtained credit in the stores of nearby towns. They bought clothing and provisions there for themselves and their families. The storekeepers knowing that each Menominee Indian generally received \$30 every six months, extended credit to those Indians who asked for credit, to the amount of \$30 each, on the strength of their annuities. But when the last annuity payment was made last month, the Menominees received only \$5.24 per capita. Most of the Menominees were already in debt to the amount of \$30, and when they received only \$5.24 per capita they could not pay all their debts. Most of the storekeepers then shut down on them and the Menominees could not buy any more on credit.

The result of this is that the Menominees are now in a destitute condition and we have come here to ask relief for them.

We therefore ask that more annuities be paid to our people for the reasons as stated above.

We further request that when the annuity payment is made that Supt. A. S. Nicholson be instructed not to withhold, or attempt to withhold, the share of any annuitant of his or her share of the annuities unless such person has voluntarily signed away his or her share of the annuities by special agreement or contract.

We further request that Supt. A. S. Nicholson and Charles Woodcock, superintendent of logging, both be suspended from office while the investigation we have asked for is being held at Neopit, Wis. We do this because we believe if they are not suspended, and they have full power and authority while the investigation is being held, they would be in a position to place us at a disadvantage.

Further, we desire to say that if the charges preferred against the management of the operations at Neopit, Wis., are substantiated by the evidence to be submitted at the investigation, we ask that Supt. A. S. Nicholson and Charles Woodcock, superintendent of logging, who are responsible for the destitute condition of our people and the management of our affairs, be both removed from the Menominee Indian Reservation.

MOSES TUCKER.
REGINALD OSHKOSH.
GEO. MCCALL.
WEISKESIT (his X mark).
THOMAS PRICKETT.
MITCHELL OSHKENANIEW.
Delegates.

MARCH 13, 1912.

Mr. A. S. NICHOLSON,
Superintendent Keshena Indian School, Neopit, Wis.

SIR: The Menominee Indian delegation, which has been in Washington, states that Simon Beaupre reported a trespass by a man named King over a year ago on the Menominee Indian Reservation; that it was reported that King had cut 15 trees on the reservation; that the matter was duly brought to your attention, but that no steps have yet been taken to obtain a settlement therefor.

Please advise the office fully regarding this matter.

Respectfully,

F. H. ABBOTT,
Assistant Commissioner.

MARCH 13, 1912.

Mr. A. S. NICHOLSON,
Superintendent Keshena Indian School, Neopit, Wis.

SIR: The Menominee Indian delegation which has been in Washington states that the Menominee Indian mills are charging 20 per cent on goods sold by the warehouse, which they claim is unreasonably high. They submitted two transfer property slips on which is printed at the bottom "plus blank per cent to cover expenses." The blank is filled in with 20. It was noted that by adding this 20 per cent to the items mentioned on the slips it made the selling price of the articles approximately the same as retail prices would probably be at Shawano.

Please explain to the office in detail what this 20 per cent charge covers.

Respectfully,

F. H. ABBOTT,
Assistant Commissioner.

MARCH 14, 1912.

Mr. A. S. NICHOLSON,
Superintendent Keshena Indian School, Neopit, Wis.

SIR: The Menominee Indian delegation which has been in Washington states there is a large quantity of burned timber on the northeast corner of the reservation which can not be taken care of by the mill at Neopit. They also state that there is a small mill, with a capacity of about 25,000 feet, now located on the east side of the reservation, which could take care of this burned timber. Whether this mill would need to be moved or not was not made clear at the conference.

The office believes that if this mill could be started up it would afford employment to a number of Indians, and thus relieve their condition. Please take the necessary steps to dispose of this burned timber, if possible.

Respectfully,

F. H. ABBOTT,
Assistant Commissioner.

MARCH 16, 1912.

Mr. E. M. HAMILTON,
Lumberman, Indian Service, Neopit, Wis.

SIR: A delegation of Menominee Indians has been in Washington recently talking over matters connected with the operation of the Menominee Indian mills.

There is inclosed herewith a copy of a letter dated March 4, 1912, signed by members of the delegation, complaining about the conduct of the operations and making specific complaint against Mr. Charles Woodcock, superintendent of logging, and also touching upon the work of Mr. Bennett, superintendent of live stock, Mr. Dowling, superintendent of construction, and Mr. Hanburg. The delegation also object to the starting of a farm in connection with this operation. Will you please investigate all the matters covered by this letter and report fully with your recommendations to the office. You will please take up the matter with the members of the delegation upon their return to Neopit.

The delegation stated that there is a large amount of burned or dying timber on the northeast corner of the reservation, which timber can not be taken care of by the Neopit mill, and that there is a small mill now on the east side of the reservation which could take care of the same, either at its present site or by moving it, which point they did not make clear at the conference. If this mill could be operated to cut this timber, the office believes it would give employment to a number of Indians and in this way relieve their condition. Please take this matter up with Mr. Nichols and take whatever steps are necessary to properly take care of this burned timber.

The delegation also claimed that Indians are not given employment at the camps, saying that the white men are given preference in employment, and that it is impossible for them to obtain work. They claim that Mr. Woodcock is responsible for this condition. As you know, the Menominee Indian mills are being operated for the educational benefit of the tribe as well as for financial profit, and the Indians should be given every opportunity to obtain employment.

Respectfully,

C. F. HAUKE,
Second Assistant Commissioner.

MARCH 16, 1912.

MENOMINEE TRIBAL DELEGATES,
Washington, D. C.

MY FRIENDS: The office has carefully considered the various questions regarding tribal matters submitted by you under date of February 26 and 28 and March 4, 9, and 13, 1912, respectively, and the following answers are made thereto:

1. Employment of tribal attorney.

The office is of the opinion that the Menominee Indians do not at this time need the services of a tribal attorney. There are now pending before Congress two bills—H. R. 19414 and S. 5151—the purpose of which is to authorize any Indian tribes or bands to present their claims against the United States to the Court of Claims for adjudication. Should either of these bills be enacted into law, the Indians should take up with the office the question of engaging a tribal attorney.

2. Traders' claims.

In connection with the claims of traders against the Menominee Tribe, it appears that under the provisions of the act of May 29, 1908 (35 Stat. L., 444, 445), certain claims against the tribe have been presented to the Court of Claims for adjudication for alleged balances due on account of supplies furnished individual Indians. The last information the office had on this subject was contained in a letter from the Department of Justice, dated February 23, 1911, in which it was said that demurrers were filed in all the traders' cases against the Menominee Indians, but the briefs were filed and arguments made in the case of F. F. Green, No. 30179, in which a judgment of the Court of Claims was rendered on January 16, 1911, sustaining the demurrer as to the liability of the tribe, but overruling the same as to the liability of individual Indians. The Department of Justice said also that it understood that the attorneys for the claimants were considering the advisability of taking an appeal to the Supreme Court, in which case it was the intention of that department to file a cross appeal contesting the liability of the individual members of the tribe.

The office will ask the department to make inquiry of the Department of Justice as to the present status of this case; and you will be advised through the superintendent in regard thereto.

3. Removal of Waukow family.

With regard to the petition dated February 23, 1912, from a large number of Menominee Indians that the members of the said family be removed from the reservation for the reason that they are a disturbing element among the residents of the village of Neopit, Wis., you are advised that the office will take this matter up with the superintendent and have it properly investigated. You will be informed through him of the decision reached.

4. Protest to certain mixed bloods sharing in tribal benefits.

Concerning your request that half-breeds and mixed bloods who participated in the so-called half-breed payment in 1849 be denied further tribal benefits, you are advised that by the fourth article of the treaty of October 18, 1848 (9 Stat. L., 952), the Menominee Tribe made provision for its mixed bloods, and on July 9 and 10, 1849, such mixed bloods, numbering 784 persons, including men, women, and children, were paid the sum of \$40,000.

In a tribal council held April 9, 1904, the tribe unanimously said that the payment mentioned was made as a settlement for any claim, right, title, or interest, which the half-breeds might have in the Menominee Tribe or property thereof, and that the offspring receive the payment "with the full and distinct understanding that the acceptance of this money forever barred themselves and descendants from further participation in all Menominee funds, property, and rights of every kind, nature, and description."

The Secretary of the Interior on May 10, 1905, held in effect that applicants who participated in the said payment should not be allowed to share again, either for themselves or their descendants, in tribal benefits unless the tribe was willing.

In considering applications for enrollment with the tribe, the office has kept and will keep in mind the ruling of the department in the matter. Further, the tribe has already been given an opportunity to express its views with reference to the rights of applicants for enrollment therewith, and also to say whether or not it desired to adopt applicants who have participated in the half-breed payment, as indicated.

5. Annuity payments.

The Comptroller of the Treasury has recently decided that the money, heretofore used in connection with the mills at Neopit, from the interest on the Menominee logging fund, may be returned to the interest fund and the amount charged against the principal of said fund. This sum amounts approximately to \$125,000.

The office has been advised that the transfer of the sum named has been made on the books of the Treasury and that this money is now available for expenditure for the benefit of the Indians, including reasonable per capita payments.

In this connection the office has considered your request of March 13, for a per capita payment of \$40, and you are advised that the superintendent of the Keshena School, on March 5, 1912, submitted a request for authority to expend the sum of \$67,200 in making annuity payment to the Menominee Indians under his charge.

Your request will be submitted to the Secretary of the Interior at once for his consideration and action, and if approved the funds will be promptly forwarded to the superintendent in order that the payment desired may be made at the earliest practicable date.

With respect to the payment of the "old Menominee fund" you are advised that there is no authority under existing law for paying this money per capita to the Indians. A bill (H. R. 46), Sixty-second Congress, first session, was introduced in Congress for the purpose of amending the second section of the act of March 2, 1907 (34 Stat. L., 1221), so as to authorize the Secretary of the Interior, under such rules and conditions as he may prescribe, to pay to any Indian, "including the blind, crippled, aged, or helpless, his or her share or any portion thereof of the tribal or trust funds in the Treasury belonging to the tribe of which such Indian is a member, and of any other money which may hereafter be placed in the Treasury to the credit of such tribe, as susceptible of division among its members, or to expend the same for his or her benefit." Should this bill be enacted into law, there would be ample authority for the segregation and payment of the individual share of any member of the Menominee tribe in the trust funds of the tribe.

As to the desire of your people to have a semiannual payment, you are advised that the office is unable to make any definite promises as to the periods at which funds can be disbursed, there being no specific provision of law requiring semiannual payments. Should there be sufficient funds, however, to make semiannual payments during any year, and you will submit a request therefor through your superintendent, the office will give the case prompt and careful consideration.

6. Protest to traders' claims bill.

Concerning your request that the "traders' claims bill," which you say is now pending in Congress, be not passed, it is presumed that you refer to H. R. 11020, which relates entirely to the claim arising in connection with logging operations on

the Menominee Reservation, under the acts of June 28, 1906 (34 Stat. L., 547), and March 28, 1908 (35 Stat. L., 51). Should this presumption be correct, you are advised that the department on January 4, 1912, reported adversely to the passage of said bill. However, the office is unable to say what, if any, action will be taken by Congress in the matter.

7. Care of extra timber.

With reference to utilizing the timber on various parts of the reservation, which, at the present time, can not be taken care of by the Menominee Indian mills, you are advised that the office will take up the matter through Mr. Hamilton and your superintendent of the Keshena School. If possible, the small mill now on the east side of the reservation will be started in order that the burnt timber on the northeast corner of the reserve may be made use of, and at the same time give the Indians an opportunity to obtain work therein.

8. Revocation of traders' licenses.

Your request that the license of Hollis N. Jewell and L. Edgar St. Louis, of Antigo, Wis., be revoked, will be taken up with the superintendent promptly and investigated, and you will be informed through him of the decision reached.

9. Forestry and logging operations.

The questions and complaints submitted by you with reference to the logging operations, the management of the mills, and the proceeds thereof, etc., are receiving the careful consideration of the office, and as soon as practicable, a separate answer to the questions covering these points will be made to you through the superintendent. An investigation of the charges and complaints you make regarding Mr. Woodcock and the conduct of logging operations in general under the superintendent, Mr. Nicholson, will be taken up by the office. Mr. E. M. Hamilton, lumberman, is being instructed to make an investigation of these matters.

10. Financial statement requested.

Statement of Menominee funds showing balance on hand at various times.

Fund.	Oct. 1, 1907.	Apr. 1, 1908.	Nov. 1, 1909.	July 1, 1910.	Jan. 1, 1911.	Dec. 1, 1911.
Fulfilling treaties with Menominees, logs.....	\$200,417.50	\$165,789.98	\$22,755.74	\$10,578.27	\$6,542.07	\$58.16
Menominee log fund.....	2,333,724.22	2,241,604.53	1,676,486.49	1,354,971.44	1,157,182.38	773,135.32
Interest on Menominee log fund.....	238,576.26	230,743.34	74,070.72	3,147.20	14,429.95	.....
Menominee 4 per cent fund.....	.....	.....	13,939.84	184,319.40	371,543.75	703,016.14
Interest on Menominee 4 per cent fund.....	.....	.....	.....	140.93	2,189.21	13,392.79
Menominee fund.....	153,039.38	153,039.38	153,039.38	153,039.38	153,039.38	153,039.38
Interest on Menominee fund.....	22,466.44	22,140.19	33,452.81	37,278.79	30,014.97	2,054.99
Total.....	2,948,223.80	2,813,317.42	1,973,744.98	1,743,475.41	1,734,941.71	1,644,696.78

The following matters submitted by you have not been answered owing to additional time being required in looking them up, and also on account of necessary consideration:

1. Request that Superintendent Nicholson and the superintendent of logging be suspended pending an investigation as to their management of logging affairs.
2. Request for abolishment of superintendent of live stock and of officer for suppression of liquor traffic.
3. Application of Reginald Oshkosh for superintendent of logging at Neopit.
4. Request that Indians have voice in management of their affairs, employment of labor, etc.
5. Need of establishing a sinking fund and a stumpage account.
6. Question as to whether or not the logging fund is earning interest on capital invested in the old logging fund, and method or plan of office for using the interest.
7. Wrong grading of certain lumber shipped in C. & N. W. car No. 57904.

As soon as the necessary data can be obtained, and a decision reached in regard thereto, answers will be prepared and sent you through the superintendent.

Respectfully,

C. F. HAUKE,
Second Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
MENOMINEE INDIAN MILLS,
Neopit, Wis., March 16, 1912.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Replying to your letter of March 13, in reference to complaint that the mills are charging 20 per cent on goods sold from the warehouse, this is true and this average percentage is made for the purpose of covering expense of handling, depreciation, interest on money invested, and to make a small profit for the account, something over 10 per cent. This percentage is added to the wholesale price of the merchandise as paid by the mills. It is not so that it makes approximately the same retail price as goods would bring in Shawano. No trader makes less than 35 per cent and it averages nearer to 75 per cent. We do not aim to sell merchandise in town, only to the men in the woods work. Exceptions have been made, in instances, to employees of the operation, wherein articles could not be purchased in town here. We are careful in our sales, as the traders here, who are Indians, object in the main, as it takes business away from them. There is no article purchased from the warehouse sold for more than charged for by any retail dealer. In fact, the prices are considerably less. The real burden of the complaint before you is not stated. The Indians, or rather a few of them, have been agitating for some time to have the warehouse here enlarge its scope. They want a Government trading store established where they can go and open accounts. Their main reason lies in the fact, and it is true of the very delegation there, that they all owe large amounts to nearly all the traders in and out of towns bordering here. They are poor pay and have exhausted their credit. Now, they have an idea of all doing business with the warehouse, or central store, where accounts could run on indefinitely, or they could pay when they pleased. They see in this a chance to escape paying just debts outside and with the Indian trader in town also. The complaint made is first I ever heard on this line. In fact, every Indian as soon as he obtains a job of contract nature immediately wishes to open an account with the warehouse for supplies, because of the fact that he can buy cheaper and also because he can not get credit outside. It is the aim here, when the Indians take a job, to get him on as near a basis as the outsider would have to be, did he do the work. We always give him, in every case, an advantage, however, to encourage him on.

The Indian would like to buy at wholesale prices, naturally. As long as it is not his individual money, he is not much concerned in paying back when he has an account standing. He figures some time will do. He probably intends to pay, but any time will do. For example, on this line, George McCall, a Menominee Indian, purchased lumber from the mills, agreeing to pay monthly a stated amount until settled. No effort was made to live up to agreement until such times as he worked for the mills. Then a stated amount was ordered deducted from his wages. He had a traders' store and ran a hall, receiving revenue therefrom, but made no payments of his own accord from these sources. Reginald Oshkesh, for instance, rents a house from the operations. If he is working, we deduct rent. He is sometimes three months behind. He thinks nothing of it, but seems to believe that as long as the house is owned by the operations he can pay any time; and if he should not, why, what of it? It is tribal money. They never figure it costs something to use the money involved.

Mitchell Oshkenaniew had his house finished by the mills, agreeing to make a monthly payment. None has been made for three months now. He came in and pleaded other uses for his money and begged off. He received credit for a bill of goods in Shawano, promising settlement promptly. I vouched for him, because he was working at the mill. When time to pay arrived, he had to be virtually forced to pay part on account and owes considerable balance. As long as he had received what he desired, all sense of living up to agreement was forgotten.

I simply quote these several instances to show their undependability; of my efforts to get them work; help start them in, as they, having no capital and no credit, could do nothing. I helped them on their various jobs through the warehouse. They were glad to avail themselves, as charges were much lower, which each and every one knows. The prices shown on slips attached are net wholesale here. Notations in red ink are with percentage added. Figures in blue are average quotations in town and outside. They make a real comparison. The Indians who have occasion to use the warehouse for supplies can not understand that certain overhead charges accrue; that it costs something to handle goods; that allowance must be made for per cent of loss that may occur, etc. Where his individual interest is concerned, he never figures that money invested is owned in common and that profit

should accrue to the whole. He claims to be jealous of his funds being wasted, but can not see that right here a loss could occur if in nothing else but loss of interest on money invested and cost of overhead charges.

Very respectfully, yours,

A. S. NICHOLSON, *Superintendent.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
MENOMINEE INDIAN MILLS,
Neopit, Wis., March 16, 1912.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Replying to your letter of March 13, stating that Simon Beauprey reported a trespass by a man named King over a year ago on the Menominee Indian Reservation, and that no steps were taken to obtain a settlement thereof, I have to report that the statement of the Menominee delegation and Mr. Beauprey is directly contrary to the facts. Mr. Beauprey informed me in the latter part of last year that he had been told by a man named King that there was a trespass on the reservation committed by outside parties. About the same time I received a letter from J. King, giving his address at Phlox, Wis., of which I inclose you a copy, stating that there had been some pine taken off the reservation some years ago. Mitchell Waukaw, forest guard, was immediately sent to locate the trespass and found in that vicinity where some trees had been cut, evidently some years ago. I took a trip to Phlox to see Mr. King, but was unable to locate him, being informed that there was somebody of such a name around, but he had no permanent address, but seemed to be drifting here and there. I mailed him on November 11 a letter, of which copy is inclosed, in which you will see that I asked him to call at the office to furnish particulars. This letter was returned to Neopit on February 6 unclaimed and with notation "Returned to the writer. Party unknown." Envelope and letter are on file here.

In 1910 I had heard stories of trespass on the reservation and once endeavored to locate them. On the south line, in two instances, found trespass and was effective in making a settlement, of which the office has a notice. This case was one of those in which rumors were circulating but nothing definite could be pinned down. Other stories were that this King was interested in a party of three other persons in taking the timber some years ago, about the year 1906 or 1907, but search and inquiry in the neighborhood of the west line of the reservation, near which Phlox is located, has thus far been unable to locate Mr. King. Of course, nothing can be done in the line until somebody can be definitely pinned down as committing a trespass, if one occurred.

Mr. Beauprey was questioned by me this afternoon and he stated that he did not know anything of the trespass himself only what he had reported to me last fall; that he had no definite particulars to work from, only that a man named King was interested and that I had at once detailed his fellow forest guard, whose territory was in that part of the reservation, to investigate the matter. He stated that he had no knowledge of whether the office did or did not take any other steps in the matter beyond the fact that the other forest guard was detailed to investigate. Certainly every effort has been made by this office on this and every other case to take the necessary steps for protection of the reservation resources.

I am unable to explain why Beauprey should make such a report to the Menominee delegation and can only infer that for some reason or other he is dissatisfied and is desirous of creating trouble. It might be well to take some steps to discipline him, if you think it proper. From his actions one could believe that the Menominee delegation had misinterpreted something he might have said to them, although this is hard to say.

Very respectfully, yours,

A. S. NICHOLSON, *Superintendent.*

P. S.—Both Mr. Riley and Mr. Brantiff, my predecessors, both looked into this claim, I'm told, but could not pin trespass down to anyone on lack of evidence.

MARCH 19, 1912.

MENOMINEE TRIBAL DELEGATES,
Neopit, Wis.

MY FRIENDS: Referring to office letter of March 16, 1912, to you, regarding the tribal matters submitted by you when you were in Washington, the following answers are made in addition to those contained in said office letter:

1. Wrong grading of certain lumber in Chicago & Northwestern car 57904.

Immediately upon receipt of your statement that the lumber in this car had been sold as No. 3 pine boards whereas in reality it contained a much higher grade of lumber, the office took the matter up through the Forest Service of the Department of Agriculture, and Mr. H. A. Sackett of that service, who is stationed in Chicago, was requested to have the car regraded upon its arrival in Chicago. Mr. Sackett found that the car had already reached there, and had been sold unopened to the South Side Lumber Co. He states that he went to the plant of the South Side Lumber Co. and found that some of the material had been unloaded direct from the car to a wagon and had been sold to a contractor in the vicinity for sheathing. Most of the material, however, was stacked in the yard. Mr. Sackett made a personal investigation of all this material and found it to be 1 by 4 inches stock S4S and from 10 to 18 feet long, all No. 3 white pine. He obtained an affidavit from Mr. Frank Miller, tallyman of the South Side Lumber Co., showing the grade and amount of white pine contained in this car. This affidavit shows the lumber to be No. 3 white pine, as stated. Mr. Miller, the tallyman of the South Side Lumber Co., who furnished this affidavit, was in no way connected with the purchasers of the lumber from the Menominee Mills, and would, presumably, have no interest in making a false statement. There are inclosed herewith copies of Mr. Sackett's letters of February 28, and March 1, regarding this matter and a copy of Mr. Frank Miller's affidavit.

2. Twenty per cent charge on goods sold by warehouse.

This charge of 20 per cent, which is added to the cost price of goods sold from the warehouse, is made for the purpose of covering the expense of handling, depreciation, interest on money invested, and to make a small profit on the account. This percentage is added to the wholesale price of the merchandise as paid by the mills. Even with this 20 per cent added the prices at which goods are sold from the warehouse are not so high as the prices at which goods are sold at Shawano. It is understood that the traders figure on making over 35 per cent profit on goods which they sell over what it cost them to buy them. The mills do not attempt or wish to sell merchandise in town, as the traders at Neopit, who are Indians, would object, as it would take business away from them. It is essential that in a business such as that being conducted on the Menominee Reservation, every branch of the operation be made self-supporting just as far as possible. The office feels that this charge of 20 per cent, covering as it does the cost of handling and other expenses connected with the warehouse and allowing some profit to be made for the Indians in connection therewith, is absolutely justified.

3. Manufacture of the dead and down timber in the northeast corner of the reservation.

This matter was taken up with the superintendent, and he states that the timber which is injured, in the northeast corner of the reservation, amounts to about one million and a half feet of hemlock and pine, which was damaged by fire in the fall of 1910. It seems that the proposition of moving the small mill now at South Branch to saw out this burnt timber is probably not feasible, as the mill is a very old one and much run down, and the expense of removal and putting into shape would practically mean the building of a new mill. Even were this done, the expense of getting the manufactured lumber into the market would be great. It seems to be a long haul on hilly roads. Lumber could probably only be hauled out in the winter and would presumably have to be sold for less than the cost of production. It is understood that this mill is at present used to saw logs into lumber for the purpose of building Indian homes. The superintendent states that he has two plans in mind for taking care of this timber. First, by an extension of the present logging road, which would mean the construction of about 9 miles easterly from the present site of camp 12, and, second, the possibility of the Chicago & North Western Railroad constructing a line across the reservation. Mr. E. M. Hamilton, lumberman, will go into this matter thoroughly when he is on the reservation in the near future.

4. Request that Supt. Nicholson and the superintendent of logging be suspended, pending an investigation of their affairs.

The office does not feel that sufficient evidence has been brought against these men to warrant their suspension. Mr. Hamilton will start an investigation on the Menominee Reservation regarding the conduct of lumber matters in the near future. If this investigation shows any irregularity or mismanagement of the lumber operations under their charge, the matter will be given prompt attention.

5. Request for abolishment of positions of superintendent of live stock and officer for suppression of liquor traffic.

Mr. Hamilton will take up the work being done by the superintendent of live stock when he is on the reservation. With regard to the statement which you made that a position was created at \$6,000 a year for the suppression of the liquor traffic, the records of the office show that Mr. P. F. Daniels was appointed to this position and entered on duty on October 6, 1909, and that he resigned on October 31, 1910. His salary during this period was at the rate of \$2,500 a year and \$3 per diem in lieu of subsistence, and not \$6,000 a year. No person has been employed in such capacity since the date of Mr. Daniels' resignation.

6. Trespass committed by a man named King, and reported by Simon Beaupre some years ago.

It seems that this trespass was committed 17 or 18 years ago. The superintendent states that Mr. Beaupre informed him in the latter part of last year that he had been told by a Mr. J. King that a trespass had been committed on the reservation by outside parties, and that Mitchell Waukaw, forest guard, was immediately sent to locate the trespass, and found in that vicinity that some trees had been cut, evidently some years ago. The superintendent took a trip to Phlox to see Mr. King, but was unable to find him, being informed that he had no permanent address, but seemed to be drifting around. He wrote to him under date of November 11, 1911, asking him to call at the office and furnish full particulars. This letter was returned to Neopit unclaimed. The superintendent states that in 1910 he had heard stories of trespass on the reservation, and endeavored to locate them. On the south line, in two instances, he found trespasses, and was effective in making a settlement. The superintendent states that Mr. Beaupre told him that he did not know anything of the trespass himself, only what he had reported to him last fall, and that he had no definite particulars to work from. Since the trespass was committed so many years ago it will undoubtedly be very difficult to obtain any evidence at this time.

With regard to other matters which are yet unanswered, including the application of Reginald Oshkosh for the position of superintendent of logging at Neopit, the request that the Indians have a voice in the management of their affairs, and the need of establishing a sinking fund and a stumpage account, you will be further advised through the superintendent.

Mr. Hamilton was instructed to take up the investigation of the lumbering operations on the Menominee Reservation at the time you were in Washington. He was taken sick, however, before he received these instructions, and is just returning to duty. He will start his investigation as soon as practicable. He has been instructed to take the matter up with you.

Respectfully,

(Signed) C. F. HAUKE,
Second Assistant Commissioner.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
OFFICE OF WOOD UTILIZATION,
Fisher Building, Chicago, Ill., March 1, 1912.

The FORESTER,

Forest Service, Washington, D. C.

DEAR MR. GRAVES: I am inclosing herewith for your information affidavit of Mr. Frank Miller, tallyman of the South Side Lumber Co., Chicago, showing the grade and amount of white pine contained in Chicago & North Western car 57904. When I reached the office of the South Side Lumber Co. yesterday I found that some of the material had been unloaded direct from the car to a wagon and had been sold to a contractor in the vicinity for sheathing. Most of the material, however, was stacked in the yard. I made a personal investigation of all this material and found it to be as Mr. Miller has indicated, 1 by 4 inch stock, S4S, and from 10 to 18 feet long, all No. 3 white pine. No. 3, as you know, is a low-grade material, containing rotten and loose knots, and from what I saw of it I should say that no one had "spiked" the grade. According to my calculations from the affidavit, the total amount of material is 18,860 feet. The car was billed to the South Side Lumber Co. as 19,000 feet, 1 by 4 inches, 10 to 18 feet, S4S, No. 3 white pine, at \$16.50 per thousand.

I trust that this information is what you wish, and that it will serve your purpose.

Very sincerely, yours,

H. S. SACKETT, In Charge.

Inclosure.

STATE OF ILLINOIS, *County of Cook, ss:*

Frank Miller, being first duly sworn, on oath deposes and says that he is and for some time last past has been, in the employ of the South Side Lumber Co., Chicago, Ill., as tallyman, and that he tallied the contents of Chicago & North Western car No. 57904 unloaded in the yard of the South Side Lumber Co., Chicago, Ill., on to wit, the 28th day of February, 1912, and that said car contained only:

1,113 pieces 1 by 4 inches, 10 feet, S4S, No. 3 white pine.

1,161 pieces 1 by 4 inches, 12 feet, S4S, No. 3 white pine.

829 pieces 1 by 4 inches, 14 feet, S4S, No. 3 white pine.

1,223 pieces 1 by 4 inches, 16 feet, S4S, No. 3 white pine.

19 pieces, 1 by 4 inches, 18 feet, S4S, No. 3 white pine.

And further affiant sayeth not.

(Signed)

FRANK MILLER.

Subscribed and sworn to before me this 29th day of February, A. D. 1912.

(Signed)

JOHN E. CRAWFORD, *Notary Public.*

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE,
MENOMINEE INDIAN MILLS,
Neopit, Wis., March 19, 1912.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Replying further to your letter of March 13 and since March 16, in reference to matter of trespass, claimed not investigated by this office, by Simon Beaupre, forest guard, who made such statement to the Menominee delegation, I have to say that with this matter on my mind, yesterday, quite accidentally, I got trace of man named King, who had been out with tie makers and received from him his statement about same, of which I inclose you a duplicate copy. You will see from this that same was years ago. The State law here, I am told, provides for trespass claims to be paid, when made, within six years from date of the cutting. I shall be glad to know if there is provision under "Federal law" that we might proceed on. The evidence is not conclusive as yet, but snow in woods will shortly be in such shape as to permit stumps being scaled. I shall be glad to hear from you.

Very respectfully, yours,

A. S. NICHOLSON, *Superintendent.*

STATE OF WISCONSIN,
County of Shawano, ss:

Louis King, being first duly sworn, deposes and states that a trespass was committed on the Menominee Indian Reservation by a William Mull, or Mohl, who resides in or about the town of Mattoon; that said trespass is on the west line of the reservation, south of the town of Phlox, near a small creek, with corner stake close by; that said Mull, or Mohl, approached him and asked him to go in partners to cut the timber on the reservation and that he refused, and that this happened the second winter after Cleveland's election, 17 or 18 years ago. Louis King further declares that he is a resident of Phlox, Langlade County, Wis., and that the timber cut in the above-mentioned trespass was sold to John Kaufman, in Phlox, and was hauled to the mill by Kaufman's own teams, aided by some farmers' teams.

L. KING.

Subscribed and sworn to before me this 18th day of March, 1912, at Neopit, Wis.

A. S. NICHOLSON, *Superintendent.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
MENOMINEE INDIAN MILLS,
Neopit, Wis., March 20, 1912.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Replying to your letter of March 14, with reference to complaint of Menominee delegation, of a large quantity of burned timber in the northeast corner of the reservation and suggesting the advisability of the small mill at the south branch settlement

caring for same, either by removal to nearer site or other means, I have to say that to the best of my recollection now there may be a millien and a half of hemlock and pine burnt in the locality mentioned. The fire occurred in the fall of 1910, and from reports rendered by the fire warden at the time there was more than a strong suspicion that the fire had been set by Indians in order to create logging jobs. It, in fact, became necessary to take strenuous steps to stop the series of fires reported one after the other. It is my impression that I reported something in this line officially in September or October, 1910; correspondence being at the Keshena office, I can not have it before me at this writing.

The proposition of the moving of the small mill at South Branch to saw this burnt stuff out, in my thought, is out of the question. First, the mill is a very old one, much run down. The expense of removal and putting in shape would practically mean the building of a new mill. Even were this done, the expense of getting the manufactured lumber into market would again confront us. It is a long haul on hilly roads. It would mean that the lumber could only be hauled out in the winter and sold for less than the cost of production.

We use the mill at present to saw logs into lumber for the purpose of building Indian's homes and encourage the Indians to put in fire-burnt, dead and down, for these uses. Even in this we found that we had to curtail the privilege some and supervise the work closely, because we found the Indians taking the lumber made by this mill and selling it outside. There are quite a few whites intermarried in this vicinity who, with some very sharp mixed bloods, have to be watched continuously. The South Branch settlement, which is in this locality, is, in fact, one of the hardest points of control, owing to the distance from the office, the character of the people, and the difficulty in getting anyone to act as policeman to properly represent the office through fears inspired by the residents.

This timber in the northeast corner has always been on our minds here, because, outside of the fire-burnt stuff, there is a fine matured body of timber there which is now going backward. Two thoughts are on my mind to care for this timber. First, an extension of our logging railroad, which would mean the construction of about 9 miles easterly from our present camp 12. This easterly part of the reservation contains a large body of fine timber, mostly pine and oak. It is a railroad proposition pure and simple. It is too costly to consider cutting timber, drive the Oconto, and railroad around to Neopit. It is true we can take considerable timber east of the Wolf by a sleigh haul to the Wolf, I think, then a short drive to where we could meet our road and load on cars. There is, secondly, the possibility of the Chicago & Northwestern Railway constructing across the reservation from the southeast corner to the northwest. They are, I learn, weighing the matter now. In this event, on which a decision will be made shortly, we could hitch on to their road by a spur, or it would be probable we could get a favorable rate for logs over their line from the Oconto River to Neopit direct. Their engineer visited here last week and took a drive across country to get the lay of the land. I have no doubt they intend to make some sort of a proposition. In a short time weather conditions will be such as to permit travel across country, and it is the intention of myself and the logging superintendent to take a trip across country on a preliminary reconnaissance of land and timber, so that plans can be definitely proposed. The office can feel assured that we here are alive to the situation and are preparing our ground for an advance. We have also to proceed cautiously, as we wish to avoid the repetition of any mistake of the past. Many situations confront us at all times. Being on the ground, I aim to familiarize myself with all. When it is determined what is best, I proceed to act, always having in mind the necessity of keeping you posted and advised, so that the necessary authority and advice can be secured. I realize all the while the difficulties confronting us, the many interests to be guarded, and, naturally, weigh the pros and cons for the line of least resistance, looking toward success. The map inclosed herewith will give you a good idea of the railroad situation. I have endeavored by colored lines to set it forth.

Very respectfully,

A. S. NICHOLSON, *Superintendent.*

MARCH 29, 1912.

Mr. A. S. NICHOLSON,
Superintendent Keshena School.

SIR: Referring to your letter of December 5, 1911, relative to the desire of the Menominee Tribe to employ an attorney for the purpose of presenting certain claims there is inclosed herewith a copy of an answer dated March 16, 1912, to the Menominee tribal delegates, which sets out in full the decision of the office in the matter.

Your attention is called to the following matters in the said answer:

3. Removal of Waukaw family.

8. Revocation of traders' licenses.

The petition for the removal of the Waukaw family is inclosed herewith. Please have the most reliable and trustworthy Indians who request such action make formal charges in this case to be sworn to before you, and then furnish a copy of the same to the various adult members of said family in order that they may have an opportunity to reply thereto.

At a convenient time you should submit the charges and the reply to a general council of the tribe in order that the views and wishes of the Indians may be obtained in the case. The formal record of the council meeting should be forwarded with the evidence and with a full report as to the facts, and such recommendation as you may desire to submit.

There are inclosed for your information and records copies of the respective hearings held with the tribal delegation while in this city.

Respectfully,

(Signed) C. F. HAUKE,
Second Assistant Commissioner.

APRIL 13, 1912.

Mr. ANGUS S. NICHOLSON,
Superintendent Keshena School.

SIR: The office is in receipt of your letter of April 3, 1912, in which you refer to the recent request of a delegation of Menominee Indians while in this city, for the removal of certain members of the Waukaw family from the reservation, and say in effect that in your opinion there is no occasion for the action indicated, as it is a case of "Much ado about nothing."

From your report it appears that the request for the removal of certain members of the said family arose mainly from reports circulated about Mrs. Waukaw by a woman with whom she had had a personal altercation; that you have properly cautioned and warned the parties thereto, who also were lectured by the Indian judges; and that the petition for the removal of this family was originated by the opponents of Mrs. Waukaw.

In view of your report the office is of the opinion that the action already taken by you in the matter is all that is necessary and therefore considers the case as closed.

Please advise the parties in interest of this decision.

Respectfully,

(Signed) C. F. HAUKE,
Second Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
MENOMINEE INDIAN MILLS,
Neopit, Wis., April 3, 1912.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Replying to your letter of March 29 and in particular that part of it that tends to revoking of trader's licenses, this is answered by my letter to you dated March 6 in answer to your letter dated March 1, 1912, subject, "Education-Industries, 15170-1912, A W B," said letter containing all the particulars.

Replying to your letter of March 29, that part of it, No. 3, "Removal of Waukaw family," I note your instructions to have the most reliable and trustworthy Indians who request such action make formal charges in this case, sworn to before me and then to furnish a copy of same to various adult members of the family in order that they may have an opportunity to reply thereto; also, that a convenient time charges and reply be submitted to a general council of the tribe to ascertain their wishes.

For your attention before proceeding further, I would like to present these facts. This case is in a direct way, "Much ado about nothing," but back of it lies certain feeling engendered against a most faithful and capable officer of our police because of faithful performance of duty. This thing started through women's gossip. In the employ of Waukaw's family was an Indian girl, by name Eliza Waupoose, who was discharged because of habits and gossiping nature. As soon as she left Waukaw's employ she immediately commenced circulating stories and received able assistance

through several other women so inclined. The Indian settlement here is in two parts on the east side of the river, and these people naturally take sides. This circulation of gossip naturally came to the ears of Mrs. Adolph Amour, who had been told stories by said Eliza Waupoose, and talk flew back and forth across the river. It resulted in the leaders, Mrs. Waukaw and Mrs. Amour, being brought to the office and they and their friends warned that trouble making must stop. Each was instructed to come to the office in case the other offended. They both went out, made up, and for a while were friends on the surface, but the friends on the outside could not keep still and again commenced carrying stories back and forth of what each was going to do to the other. Mrs. Amour made threats that she would lick Mrs. Waukaw, which being told me, I in person warned her again that any taking of the law into their own hands by anyone would merit instant punishment. Notwithstanding this, on February 20 Mrs. Waukaw, who had been to visit her father who was ill and dying, was tackled by Mrs. Amour as she was passing on the road and beaten, her face cut badly and her clothing torn.

Mrs. Amour was at once arrested and brought before court of Indian offenses and convicted of assault by the Indian judges, and this in spite of repeated warnings by the superintendent. She would have been severely punished but for her condition, she being about to become a mother. On account of this she was let go home after several lectures by the Indian judges. Knowing she was guilty, her husband at once started to circulate the petition for the removal. He easily secured signatures, as Waukaw, in his capacity as an officer, has had to apprehend many of the signers or members of their family. Again, a petition is the easiest thing to get here, no Indian apparently having courage to refuse signing. The Amours are very strong-tempered people, accustomed in the past to having their own way, and Mrs. Amour is addicted to talk. The serious part of the Amour people is that she boasted openly of what she would do and ever since has taken advantage of the fact that it would not do to punish her because of her condition. That you may know the kind of people the Amours are, one brother committed suicide and another is serving a life term for murder. There also enters into this case a family feeling caused through a Tom Caldwell, who lived at one time with Amour's mother and left her some time ago and married a sister of the Waukaw's.

If any action is to be taken—and I think there need be none, except that of warning the Amours—it should be taken on them. The petition was sent the delegates by Amour, knowing that they had no sympathy with the forces for law and order here, as they, too, had been guilty of offenses and were known to be against the administration.

There can be no question to my mind on any action against the Waukaws. To do so would be open invitation for anyone to do as they pleased. Shortly after this event several post cards were sent through the mail, emanating from some source, containing vile words thereon, which I have given to the post-office inspector. My suggestion would be to let the matter rest with the determination that any recurrence on either side be severely dealt with. I await your advice before proceeding further.

I would have you remember that it is the simplest thing in the world to manufacture sentiment on the reservation. The Indian court records show Mrs. Adolph Amour arrested for assault on Jane Waukaw. Mrs. Waukaw testified in open court and showed her torn clothing and the marks on her face. A Mrs. Elizabeth Melotte, a fine, respectable old Indian woman, testified that she witnessed the assault and it was entirely unprovoked and committed without warning; that she had heard threats made by Mrs. Amour and also some gossip, and gave names of the scandal mongers as she had heard them. Mrs. Amour admitted the assault and said she had been told Mrs. Waukaw talked about her and was running the crowd on her side of the river down. Judges Perote and Baxter, after hearing at length the testimony, adjudged Mrs. Amour guilty of unprovoked assault and violation of the rule for order on the reservation. Upon plea of the superintendent as to Mrs. Amour's condition, sentence was suspended with a warning. These are the facts.

Respectfully,

A. S. NICHOLSON, *Superintendent.*

Mr. E. M. HAMILTON,
Lumberman, Indian Service, Neopit, Wis.

APRIL 19, 1912.

SIR: There is inclosed herewith a copy of office letter of even date to the members of the Menominee tribal delegation which was recently in Washington, in answer to some of their complaints regarding the conduct of timber matters and their needs.

When you are on the Menominee Reservation in connection with your investigation, for which instructions have already been sent you, please look carefully into the matter of the dead and down timber in the northeast corner of the reservation, and the other matters referred to in the inclosed letter. Please also talk the matter over with the members of the delegation.

Respectfully,

(Signed) C. F. HAUKE,
Second Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
FORT BELKNAP AGENCY,
Harlem, Mont., July 15, 1912.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: As directed in Field Forestry, A. K. C., letter dated March 16, 1912, I have inspected the Menominee operations and find as follows:

With regard to the charge made by the Menominee Indian delegation that sawyers are worked on repairs during shutdown of the mill in order to retain them, the head sawyers are held over during shutdowns and worked at repair work at \$3 and \$3.50 per day, depending upon the length of time the mill is closed down. During long shutdowns the wages paid is \$3. This custom is practiced by nearly all lumber companies, and is the only way by which an efficient crew could be retained. The wages paid these men while sawing is \$6 per day.

The complainant states that more than the necessary number of men are employed at the mills and yard. I do not find this to be the fact. During my stay on the reservation, which has been from April 18 to July 9, every branch of the operation including yard, mill, planer, and woods have been short of men. As to not working the men as hard as other places, the results of the work show that it is being done as cheap as at other places, and I believe the woods work is costing rather less than on similar operations in the State, which is good evidence that the men are doing as much as at other places.

The new yard spoken of in the complaint is simply an extension of the old yard. It is no farther from the mill than the northwest portion of the original yard, and is higher and a better drying yard than a large part of the old one. It is divided by the river, which might be a powerful factor in case of fire. The complaint states that there was room for from ten to fifteen million feet of lumber in the old yard. I have checked the yard, and do not believe there was room for over 2,000,000 feet when this complaint was signed. There is some miscut lumber in the yard—not more than found at many operations of this size. I find the larger per cent of this miscut lumber is oversize, which does not reduce the selling price.

Complaint relative to Charles Woodcock. It is not believed that he is incompetent. The branch railroad, referred to as being abandoned before it was used and the rails put on a parallel branch, was put in at Camp 11, and was 2,100 feet long. Before this branch was logged, it was necessary to have more steel at Camp 12. There being no extra steel on the operation, the steel was taken up and taken to Camp 12. This action might have been necessary at any time upon any operation where there were a number of camps running without the necessary amount of rails.

The complaint states that a gasoline jammer which cost \$2,500 was tipped over and damaged beyond repair. The jammer referred to was tipped over, probably carelessly, as the engineer was immediately discharged by the logging superintendent. The records of the office show that this jammer cost \$2,075. It has been repaired at a cost of \$309.07, is now being used at camp 12, and I am informed by Sam La Flambois that it is as good as it was when purchased, and in some respects better.

Timber on right of way: Owing to the large amount of work to perform with one light engine, some material was left on the right of way. This timber is now being cut and removed and the brush and debris burned. The right of way is now in very good shape.

Relative to burned timber on the reservation, I am unable to find nearly as much burned timber on township 30, range 16, as claimed by the delegation. The larger part of the burned area is on sections 1 and 3. Section 1 contains but two forties of Indian land, section 3 five forties, the remainder being listed as State land. There are several other small patches scattered over the reservation. The largest burn is being taken care of from camps 11, 12, and 14. The larger part of this burned timber has been cut and removed. It was suggested that the burned timber on 30-16 could be logged to the South Branch mill. This mill, both machinery and building, is in

bad order. The capacity of the mill is about 12,000 feet per day—no edger or trimmer and not enough power to install them. It is suitable for its use—cutting lumber for the Indian for construction and improvement purposes—nothing more. The road from the mill to Breed, the nearest railroad station on the N. W., is not good. It would be an expensive haul. Lumber could not be produced in the mill for less than \$3.50 per thousand, and not a good quality at that. If the act under which this operation is being run could be amended so as to permit the sale of such dead and down timber as is not accessible to the Neopit mill, this timber could be logged and sold on the bank to the highest bidder per thousand log scale. The Neopit railroad should soon be built into this town. As soon as that time arrives all timber can go to the Neopit mill.

Bad management of logging railroad, summer of 1911: It is impossible to ascertain at this time whether the railroad was managed in 1911 as economically as possible. The train crew that was running at that time inform me that they never worked harder. Judging from the amount of logs moved, which was 20,000,000 feet in 110 days on a 10-mile haul, with one 40-ton Lima engine, I am led to believe that the work was performed in a workmanlike manner. I could suggest no improvement in handling the train at this time, and have every reason to believe that the train was handled along the same lines last year.

Constructing unloading dock: The method followed by Mr. Woodcock is one commonly followed in cheap railroad construction.

Logs sluiced over dam: These logs were logs that had been cut for some time, mostly basswood, and were badly colored. The matter was taken up with the Washington office and permission granted to sluice them over the dam, it being thought that if milled they would be manufactured at a loss. The logs used to fill bog hole in lumber yard were of the same quality as those sluiced and were considered valueless by all who had anything to do with the work except Mr. McCall. I questioned him as to the value of the logs, but was unable to get his views as to their value. Mill Superintendent Adams, Yard Superintendent Nelson, and the pond foreman, John Cackatosh, all informed me that these logs were valueless. These logs are now covered up. For that reason I was unable to look at them.

Mr. Bennett and barn matters: Mr. Bennett is without doubt a very good horseman, also a practical farmer. His duties as superintendent of live stock and supervisor of a large farm, which now has over 200 acres of crops, are sufficient to justify his position and salary. The white man and Stockbridge Indian who are employed in the barn have been on the job for some time. I see no reason why these men should be discharged.

Dawling, architect: Mr. Dawling severed his connection with the Neopit mills May 1, 1912. Since that time the position has been vacant.

Mr. Hanbury: My observation of Mr. Hanbury, while acting as foreman, clearing lumberyard, and driving piles was that he was not qualified for the position. He now has a clerkship, which he should be able to fill satisfactorily.

The delegation desired the farm now being started discontinued on the grounds that it will not be profitable and will destroy the home market for the Indians. There is no reason why this farm should be a failure. It should pay big interest on the investment. At the present time there is a market on the reservation for many times more farm produce than is produced, which from all indications will be the condition for several years to come. Farming has decreased on the reservation. In traveling about I saw many fields that were once cleared and farmed not being used now and growing up to brush.

Desire that the Indians be given contracts: There are very few Indians on the reservation, if any, who have the necessary horses and logging equipment, experience, and money to handle a large logging job. There were three or four Indian jobbers last winter. At this time there are two Indian jobbers peeling bark. The agent assisted the jobbers last winter by advancing his personal funds, as there is no provision whereby he could advance Government money or supplies.

As to not giving Indians employment in camp. There are six camps running at present, or were in June—three logging camps, one timber camp, and two bark camps. There were Indian foremen in four of these six camps. In two of the four there was not an Indian laborer. These Indian foremen inform me that they have tried to procure Indian labor and are unable to do so. There were employed at the six camps about 225 men. I checked these camps several times and found from 16 to 30 Indians.

The operation is short of horses. The office should authorize the purchase of 10 teams. There are now being worked at the mills and camps 70 head of hired horses. It is recommended:

1. That the Menominee logging railroad be extended from Neopit to the present line.
2. That the position of architect be abolished.

3. That logging be discontinued as soon as 30,000,000 feet has been delivered to the mill, and that the mill be closed down as soon as all material in pond is cut.

4. That the planing mill be run day and night until all material now sold is moved and the yard reduced at least 50 per cent.

5. That a sufficient number of horses be purchased to do the logging work as soon as possible. That no more colts be raised from Menominee Indian Mills stock. I do not believe it to be profitable.

I desire to state that I believe Mr. Nicholson is handling his reservation in a very satisfactory manner.

Respectfully,

E. M. HAMILTON, *Lumberman.*

JULY 27, 1912.

Mr. A. S. NICHOLSON,
Superintendent Keshena Indian School.

SIR: In a report dated July 15, 1912, upon the Menominee operation, in accordance with his instructions of March 16, 1912, Mr. E. M. Hamilton, lumberman, made five recommendations, as follows:

1. That the Menominee logging railroad be extended from Neopit to the present line.

2. That the position of architect be abolished.

3. That the logging be discontinued as soon as 30,000,000 feet has been delivered to the mill, and that the mill be closed down as soon as all material in pond is cut.

4. That the planing mill be run day and night until all material now sold is moved and the yard reduced at least 50 per cent.

5. That a sufficient number of horses be purchased to do the logging work as soon as possible. That no more colts be raised from Menominee Indian Mills stock. I do not believe it to be profitable.

The logging railroad proposition has been taken up in connection with another letter, and you will be later advised as to this. The department has already authorized the purchase of a number of horses for logging work, requested by you.

The office desires a report from you upon the matters suggested in propositions 2, 3, 4, and that part of 5 referring to the raising of colts from Menominee Indian Mills stock. Mr. Hamilton's conclusions as to practically every one of the complaints made by the Indians at the time of the visit of the delegation to Washington are favorable to you and your employees. The statements of the Indians appear to have been generally based upon a misunderstanding of the situation.

Respectfully,

(Signed) F. H. ABBOTT,
Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
MENOMINEE INDIAN MILLS,
Neopit, Wis., August 8, 1912.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Replying to your letter of July 27, concerning report of Mr. E. M. Hamilton, lumberman, dated July 15, on the Menominee operation, I have to say concerning his recommendations:

1. Subject: Extension of Menominee Indian Railroad.

Answered by my letter to you dated August 6, 1912, "Field-Forestry, 69871-69993-1912" and letter of Mr. A. K. Chittenden, Forester, approved by me.

2. That the position of architect be abolished.

I suppose by this Mr. Hamilton refers to the position of superintendent of construction, whose work embodies also that of architect. The work of this place has been fully covered in my letters to you dated January 10, 1912, and December 4, 1911. In my letter to you of January 10, I intimated how valuable other people thought the services of Mr. Dowling, then filling the job. The place has been vacant since May 1, 1912, he having resigned to accept other work at much greater financial consideration and where his services will undoubtedly be much better appreciated. His showing here got him the chance. I only speak of this to show how outside concerns thought

valuable such a man, outside of how our figures show. I have not suggested anyone to fill the position for two reasons. First, because I had not yet seen the kind of man for the job, and because the civil service restrictions now in force provide otherwise. Second, it has been suggested by the office that a forest-assistant may be of value here, and I so recognize the fact, while his time would not be wholly occupied in this work. I had in mind the combining of the work of these two places into one, making double value.

I talked this over with Mr. Chittenden while he was here. The position of superintendent of construction, or a position, no matter what it is termed, is of value here and is needed. The work is so varied that the man holding it must possess many qualities. I must have some one in some position, be the title of the place what it may, to whom I can turn over for direct supervision that part of our work here not embraced in mill manufacturing, yarding, shipping, and logging. Our office force is a very small one. Emergencies call for a man here and there. I must have some one with the head and ability to tackle and carry on successfully any part of our work. My own duties are varied. Demands are such that I must be all over as occasions require. There is no other place whose occupant can be spared to oversee the duties assigned to this place in the past.

3. That logging be discontinued as soon as 30,000,000 feet have been delivered to the mill, and that the mill be closed down as soon as all material in the pond is cut.

Naturally, as soon as logging cut of the year is finished, logging will be discontinued and the mill will shut down as soon as the cut is finished. But when this year's cut is in, the preliminaries for next year's cut will commence. Am I to interpret this recommendation to close down entirely? If so, the recommendation No. 1 conflicts, for if we are not to log for some time there would be no immediate use of a logging railroad. I do not think, however, this idea should be thought of as from the condition of the lumber market, it being the very best and on a rise, good business would indicate the policy of "making hay while the sun was shining."

4. That the planing mill be run night and day until all material now sold is moved and the yard reduced at least 50 per cent.

The planing mill is running night and day and was so doing at the time the report was made. As to the reduction of the yard 50 per cent an approximate inventory of the lumber in the yard shows 42,000,000, of which there is sold but not shipped 24,752,000, leaving on hand a little over 17,000,000, with offers under consideration for 10,000,000 more. The capacity of the mill is over 50,000,000. Under the law we are authorized to cut 40,000,000. Past demonstration on the 20,000,000 basis showed that the mill would have an exceedingly difficult job to pay a profit, overhead charges cutting quite a figure. The cut here should not be less than 30,000,000, if business warrants. A lumber industry to be successful must have a well-balanced stock, as it takes a season to properly dry out lumber. Yard arrangements must be prepared to handle from one and a half to twice the cut, in order to have a well-balanced yard. Our cut at present being on a 30,000,000 basis, we must have yarded approximately 50,000,000, as naturally, the last six month's cut is green and not in proper shipping condition. Again, much depends on market conditions and certainly the prices prevailing now warrant running everything to full capacity. We are shipping now over 3,000,000 a month, which at present is taking care of the cut and a little more. I can not see anything that would warrant curtailment of operations as embraced in recommendations 3 and 4. On the contrary, everything promises a betterment.

5. That no more colts be raised from Menominee Indian mills' stock.

I disagree with the intimation that it is not profitable. We have to purchase horses here and will have to renew stock from time to time. They cost \$300 per head. Horses need rest and freshening up. Mares work all winter and as colts come on are turned out for a period of four months with foals, when they are put back to work. At 4 years old colts are ready for heavy work, taking the places of the worn-out stock and saving purchase. In summer they range; in the winter they subsist on rough forage produced on the farm. Their cost will be nothing compared to price paid for new stock. The surplus, if any, can be sold. Surely, if they can be raised profitably by the farmers outside, so they can here, when every condition favors it. It may be said that mares with foals create a shortage of horses on the operations, but if conditions were ideal, there should be extra horses on hand to provide so that each horse could have a period on grass to freshen and renew his strength, and it is with the idea of providing for the future that we are doing so now. Had this been attempted at the start of the operations, we would not have had to purchase any stock now or in the future. Horses command a high price and will undoubtedly go higher, owing to the scarcity of desirable stock. I can not understand this recommendation. It does not jibe with my study.

Respectfully,

A. S. NICHOLSON, *Superintendent.*

Is it possible to send copy of Indians' complaints? Am absolutely in dark as to what they were. Tribe here interested, and from time to time am questioned regarding them.

AUGUST 31, 1912.

MENOMINEE TRIBAL DELEGATES, *Neopit, Wis.*

MY FRIENDS: With further reference to office letter of April 19, 1912, regarding tribal matters submitted by you when you were in Washington in February and March, 1912, Mr. E. M. Hamilton, lumberman, has made a careful investigation of the charges which you brought against the conduct of the Menominee Indian mills. The following answers are made to your complaints, these matters not having been answered in office letter of March 16, 1912:

1. With regard to the charge made by you that sawyers are worked on repairs during shutdown of the mill in order to retain them, Mr. Hamilton reports that the head sawyers are held over during shutdowns and worked at repair work at \$3 and \$3.50 per day, depending upon the length of time the mill is shut down. During long shutdowns the wages paid is \$3 per day. This custom is practiced by nearly all lumber companies and is the only way by which an efficient crew could be retained. The wages paid these men while sawing is \$6 per day.

2. With regard to your complaint, that more than the necessary number of men are employed at the mills and yard, Mr. Hamilton does not find this to be the fact. During his stay on the reservation, which was from April 18 to July 9, he states that every branch of the operation, including yard, mill, planer, and woods, have been short of men. As to not working the men as hard as in other places, Mr. Hamilton states that the results of the work show that it is being done as cheaply as in other places, and that he believes that the woods work is costing rather less than on similar operations in the State. The office believes this is good evidence that the men are doing as much work as at other places.

3. With regard to your complaint concerning the new lumber yard, this yard is simply an extension of the old yard, and Mr. Hamilton states that it is no farther away from the mill than the northwestern portion of the original yard, and is higher and a better drying yard than a large part of the old one. It has the additional advantage of being separated from the old yard by the river, which is a large asset in case of fire. Your complaint stated that there was room for from ten to fifteen million feet of lumber in the old yard. Mr. Hamilton has checked the yard, and states that he does not believe that there was room for over two million feet when your complaint was signed. Mr. Hamilton states that there was some miscut lumber in the yard, not more, however, than would be found at many operations of this size. He finds that the larger per cent of this miscut lumber is over size, which does not reduce the selling price.

4. With regard to your complaint regarding Mr. Charles Woodcock, superintendent of logging, Mr. Hamilton reports that he is not incompetent. The branch railroad, referred to by you as being abandoned before it was used and the rails put on a parallel branch, was put in at camp 11 and was 2,100 feet long. Before this branch was logged it was necessary to have more steel at camp 12. There being no extra steel on the operation this steel was taken up and taken to camp 12. This action might have been necessary at any time upon any operation where there were a number of camps running without the necessary amount of rails.

5. Your complaint states that a gasoline jammer which cost \$2,500 was tipped over and damaged beyond repair. Mr. Hamilton states that this jammer was tipped over, probably carelessly, as the engineer was immediately discharged by the logging superintendent. Mr. Hamilton states that the records of the office show that this jammer cost \$2,075, and that it was repaired at a cost of \$309.07, and is now being used at camp 12, and that he was informed by Sam LaFlambeis that it is now as good as it was when purchased, and in some respects better.

6. Timber on right of way: Mr. Hamilton states that owing to the large amount of work to be performed by one engine some material was left on the right of way. This timber is now being cut and removed and the brush and debris burned. The right of way is now in very good shape.

7. You state that there is on the reservation a considerable quantity of burned timber, some of which was burned two years ago, and that Mr. Woodcock should cut this burned timber first so as to save it. Mr. Hamilton states that he is unable to find nearly as much burned timber on township 30, range 16, as claimed by you. The larger part of the burned timber in this township is on section 1 and section 3. Section 1 contains but two forties of Indian land and section 3 contains but five forties, the remainder being listed as State land. There are several other small patches of burned timber scattered over the reservation, the largest burn being taken care of from

camps 11, 12, and 14. The larger part of this burned timber has been cut and removed. It was suggested by you that the burned timber on township 30, range 16, could be logged to the South Branch mill. This mill, both machinery and building, is in bad order. The capacity of the mill is about 12,000 feet per day. It has no edger or trimmer, and has not enough power to install them. It is suitable for its present use, cutting timber for the Indians for construction and improvement purposes; nothing more. The road from the mill to Breed, the nearest railroad station on the Chicago & Northwestern Railroad, is not good. It would be an expensive haul. Lumber could not be produced in the mill for less than \$3.50 per thousand and not a good quality at that.

8. With regard to your complaint that the logging railroad was badly managed in the summer of 1911, Mr. Hamilton states that it is impossible to ascertain at this time whether the railroad was managed, in 1911, as economically as possible or not. He states that the train crew that was running at that time informed him that they never worked harder. Judging from the amount of logs moved, which was 20,000,000 feet, in 110 days, on a 10-mile haul, with one 40-ton Lima engine, Mr. Hamilton believes that the work was performed in a workmanlike manner. He states that the logging trains are now being handled excellently, and he has every reason to believe that the trains were handled in the same manner in 1911.

9. With regard to your complaint that Mr. Woodcock caused a dock to be built for unloading logs into the pond; that the railroad was laid along this dock, the bed of the track being made by throwing slabs on the ice and in the spring the ice melting and the railroad track caving in, Mr. Hamilton states that the method followed by Mr. Woodcock was one commonly followed by other concerns in cheap railroad construction.

10. Logs sluiced over dam; These logs were logs that had been cut for some time, mostly basswood, and were badly colored. It was thought that if these logs were milled, they would be manufactured at a loss. The logs used to fill big holes in lumber yards were of the same quality as those sluiced and were considered valueless by all who had anything to do with the work, except Mr. McCall, according to Mr. Hamilton's statement. Mr. Hamilton states that he questioned Mr. McCall regarding the value of the logs, but was unable to get his views as to their value. These logs are now covered up, and for that reason Mr. Hamilton was unable to look at them.

11. Mr. Bennett and barn matters: Mr. Hamilton states that Mr. Bennett is without doubt a very good horseman, also a practical farmer. His duties as superintendent of live stock and supervisor of a large farm, which now has over 200 acres of crops, are sufficient to justify his position and salary. The white man and Stockbridge Indian who are employed in the barn have been on the job for some time, and Mr. Hamilton sees no reason why these men should be discharged.

12. Mr. Dowling, superintendent of construction: Mr. Dowling severed his connection with the Menominee mills on May 1, 1912; since that time the position has been vacant.

13. Mr. Hanbury: Mr. Hamilton states that from his observation of Mr. Hanbury, while Mr. Hanbury was acting as foreman, clearing the lumber yard and driving piles, was that he was not qualified for the position. Mr. Hanbury now has a clerkship, which Mr. Hamilton states he should be able to fill satisfactorily.

14. Farm: You desire that the farm which has been started in connection with the operations be discontinued on the grounds that it will not be profitable and will destroy the home market for the Indians. There is no reason why this farm should be a failure. It should pay a good rate of interest on the investment. At the present time there is a market on the reservation for many times more farm produce than is produced, which from all indications will be the condition for several years to come. Farming has not been increasing on the reservation. Mr. Hamilton states that many fields on the reservation which were once cleared and farmed are not now being used and are growing up to brush.

15. Desire that the Indians be given contracts. Mr. Hamilton states that there are very few Indians on the reservation who have the necessary horses and logging equipment, experience, and money to handle a large logging job. There were three or four Indian jobbers last winter. Mr. Hamilton states that this year there were two Indian jobbers peeling bark and that the superintendent assisted the jobbers last winter by advancing his personal funds.

16. As to not giving Indians employment in camps: Mr. Hamilton states that six camps were running in June—three logging camps, one timber, and two bark camps. That there were Indian foremen in four of these six camps. In two of the four there was not an Indian laborer. These Indian foremen informed Mr. Hamilton that they had tried to procure Indian labor, but were unable to do so. There were employed at the six camps about 225 men. Mr. Hamilton checked these camps several times

and found from 16 to 30 Indians. Indians will be given preference in employment whenever they make application for work and there are positions vacant which they can fill.

Respectfully,

(Signed) C. F. HAUKE,
Second Assistant Commissioner.

COMMITTEE ON EXPENDITURES ON PUBLIC BUILDINGS,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., March 9, 1914.

HON. JOE T. ROBINSON,
Chairman Committee to Investigate Indian Affairs,
Washington, D. C.

MY DEAR SENATOR: I am inclosing herewith a letter from an Indian by the name of C. W. Tourtillott, of Neopit, Wis., relative to the investigation of the affairs of the Menominee Indians.

Very truly, yours,

THOMAS F. KONOP.

Inclosure.

NEOPIT, WIS., March 6, 1913.

HON. THOMAS KONOP, M. C.,
Washington, D. C.

DEAR SIR: I have been informed that there is to be an investigation in the near future of Indian affairs at Neopit, Wis.

Should this be the case, I would suggest that they take with them an experienced and reliable lumberman and go over the whole operations from the beginning to the present time. They should also get the exact figures from Mr. Nicholson as to how much of each kind of timber cut since they began operating at Neopit. Heretofore all so-called investigations have been a one-sided affair and only farce.

Now, unless your committee goes into the matter from some other point of view, other than Nicholson's, we Menominees will be only hoodwinked once more and no better off than we now are.

Under the present management, as it is carried on by those in charge, goes without saying, are grossly incompetent, and unless there is a change made soon, we Menominees will have neither money or timber. Thanking you for any attention you may give this matter, I am,

Respectfully, yours,

C. W. TOURTILLOTT,
(A member of the tribe).

COPIES OF PAPERS IN CHARGES AGAINST MR. A. S. NICHOLSON, SUPERINTENDENT
KESHENA INDIAN SCHOOL, BY JOHN GAUTHIER AND OTHER MENOMINEE INDIANS.

[From Indian Office file 73228-1911.]

KESHENA, WIS., August 2, 1911.

HON. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Being an enrolled member of the Menominee Tribe of Indians, and having been unjustly treated by Supt. A. S. Nicholson, I thought I would write you for the purpose of having the injustice rectified.

I have been employed at the Neopit operations for nearly two years. My last position was barn man, or boss, which I held for over a year. On the morning of the 25th of July I was dismissed by Supt. A. S. Nicholson, the reason being that I gave myself straight or full time when I was absent playing in the band at Keshena, Wis., at the headquarters, on occasions such as Decoration Day and Fourth of July, etc., by the permission of Mr. Nicholson. I have performed the duties assigned me to the best of my ability.

Mr. Nicholson did not object to my giving Frank Brown, another barn keeper, who was a white man, and Charlie Beaulieu full time when they both worked on Nichol-

son's individual garden. This occurred several times. These two men were being paid from the Menominee funds.

Mr. Bennett, Nicholson's father-in-law, and Frank Brown spent two days with the Government team taking Mr. Nicholson's cow to Keshena and back. The men being paid by our fund; no kick being made. Mr. Bennett used Government rigs to take his son from New York showing him over the reservation; no kick on the part of anybody.

To my knowledge, I did not break the rules. I was always sober and supposed that I performed my duties satisfactorily.

When Mr. Nicholson attended the first council of the tribe he opened his speech by saying:

"My friends, I come here to help you. There is no reason why you can not make money with your operations. You are one of the richest tribes. I want you to understand that I have no relations, no pets, and no political friends in New York."

One of the first things he did was to reestablish the position which the Menominees supposed was abolished in July, 1910, and placed his father-in-law in the position of superintendent of live stock of the reservation, at a salary of \$1,500 a year; and next he placed Mr. Dowling in Earl Riley's place at \$75 a month, and raised the salary \$25 per month, making it \$100.

I can not say whether Dowling is his pet or not. Another man came along by the name of Coit, from New York. I can not say if Coit is a political friend or not.

Mr. Nicholson's first talk and promises to the Menominees I can safely say were false. This can be proven by all the members that were present at the council.

Instead of giving an Indian my position, he gave the place to this white man, Frank Brown, who takes care of his cows for him, and also his garden, and who is paid out of our money.

I have a wife and four children to support and need work, but I would not complain so much if he would give an Indian the position from which he removed me.

The act of Congress under which these operations are being carried on provides that Indians shall be given work in preference to white men.

I am prepared to verify the statements contained herein if desired.

Mr. Dowling and Mr. Coit frequently leave for Shawano, Oconto, or Oshkosh, and it is my opinion that they make these trips on their own private business and draw full pay.

All I ask is fair treatment, and if I am to permanently lose the position which I held, an Indian should be appointed to the place.

Mr. Bennett recently went to Chicago, Ill., to meet his wife. Whether full time was allowed him I can not say, but think this should be investigated.

Very respectfully,

JOHN GAUTHIER.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Washington, August 26, 1911.

MR. JOHN GAUTHIER,

Keshena, Wis.

SIR: The office is in receipt of your letter of August 2, 1911, complaining with reference to the action of the superintendent in dismissing you from the service, and other matters.

Without mentioning your letter, the superintendent has been called upon for full report. When this is received further action will be taken, and if necessary an investigation ordered.

Respectfully,

F. H. ABBOTT, Assistant Commissioner.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Washington, August 26, 1911.

MR. ANGUS S. NICHOLSON,

Superintendent Keshena Indian School, Keshena, Wis.

SIR: You are directed to submit at the earliest practical date, a full and complete report in connection with the dismissal of John Gauthier from the service.

Respectfully,

F. H. ABBOTT, Assistant Commissioner.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
MENOMINEE INDIAN MILLS,
Neopit, Wis., August 30, 1911.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Replying to your letter of August 26, asking for report on dismissal of John Gauthier from employment here, particulars are as follows:

He was employed as one of three barnmen at \$2.25 per day; his duties, the care of horses and equipment and general work about the barn. His principal duty was that of night man. He was not dismissed but richly deserved the same. At various times the superintendent of live stock reported to me his inefficiency and lack of interest in his work. For some time drivers had been reporting parts of harness missing, taken from the barns. This occurred while same was directly under his charge at night. Investigation showed that he had a bed in the room at the barn and was accustomed to go to sleep every night. This developed when a fire alarm was rung here at midnight and he never awoke until the horses had left the barn. He had charge of the time book, keeping the time of men employed about the barns. Investigation showed that he had credited himself with full time for every day from January to June, while I personally knew that he had been away several days at a time a month. He led the superintendent of live stock to believe that he had put a man in his place who would do his work while he was away. In instances he did put a man in his place, but would also credit the man with time at the end of the month when his book was turned in to the office. He disorganized the efficiency of the men in the barn, being lazy, a trouble maker, and attempting to assert authority in the absence of the superintendent when he had none. He let teams leave the barn on private business for Indians, although having specific orders to the contrary. This was done at times when he thought it could not be known. I took the trouble on several occasions to tell him and all the men just what was demanded of them. But it did no good. I ordered the bed in the barn removed and told his immediate superior, the superintendent of live stock, that he merited instant dismissal, if for nothing else but stealing time, and left it to him to act. He jacked Gauthier up, offered him a chance of the night work under new conditions but Gauthier quit. I found out since that he was accustomed to go on drinking sprees and since he left here saw him myself in town drunk and arrested him upon his arrival upon the reservation. He is now working under the eye of the agency at Keshena, being employed as laborer on the reconstruction of the hospital there. He, with a few others here, are almost hopeless cases and are the prime movers in trouble making.

Respectfully,

A. S. NICHOLSON, *Superintendent.*

NEOPIT, WIS., October 12, 1911.

MR. E. B. LINNEN,
United States Inspector.

DEAR SIR: I am working here at Neopit, Wis., and I wish to say something to you confidentially. Please do not make public what I am going to say in this letter.

The Indians, as well as some white men who are working here, say that a large per cent of the lumber that is sawed here in this mill at Neopit is miscut. That a large amount of pine, as well as other kinds of lumber, is being spoiled in this way.

And that some of the men who work at night in the mill yard, especially white people, the Indians say, are in the habit of sleeping when they should be at work.

We would like to have you come over here and investigate matters and report to Washington, D. C., what you may find is wrong.

When you come here we have a good deal to report to you. It would take too long to write about everything we would like to say to you in this letter.

We desire to have the work of these men who are here in charge of the operations at Neopit, Wis., investigated. And if they are found wanting or that they are not doing just right, we want them to be put out of here and removed from our reservation.

Please let me hear from you soon.

Yours, respectfully,

MITCHELL OSHKENANIEW.

The above voices my sentiments as well as a large portion of the Menominee Tribe of Indians. I inclose herewith my report to you, Mr. E. B. Linnen.

Yours, truly,

THOS. LABELL.

NEOPIT, WIS., October 12, 1911.

To whom it may concern:

On the 28th day of August, 1911, H. A. Coit was arrested at Neopit, Wis. He came from Shawano, Wis., on the morning train. H. A. Coit is one of Superintendent Nicholson's employees at the Neopit office. When the said H. A. Coit was arrested he was in an intoxicated condition and he had in his possession a bottle of beer, which was taken away from him by Policeman Paul Tebean. H. A. Coit, when he was arrested, he was locked up in the jail at Neopit.

Policeman Paul Tebean then took the bottle of beer to Supt. Nicholson, but I do not believe Mr. Nicholson reported the matter to the authorities at Milwaukee, Wis., to the district attorney there, because H. A. Coit is one of the young men he, Mr. Nicholson, got from New York City, as I understand. Mr. Coit is a white man and he is still employed at the office. He is one of Nicholson's pets.

Yours, truly,

THOS. LABELL.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
STANDING ROCK INDIAN SCHOOL,
Fort Yates, N. Dak., October 19, 1911.

HON. SECRETARY OF THE INTERIOR,

Washington, D. C.

SIR: I have the honor to inclose herewith letter dated Neopit, Wis., October 12, 1911, addressed to me by Mitchell Oshkewanie and Thomas LaBell, two Indians, members of the Menominee Tribe, together with two statements signed by said Thomas LaBell, for such action as you may deem necessary in the premises.

Very respectfully,

E. B. LINNEN, *Inspector.*

Two inclosures.

NOVEMBER 28, 1911.

MY DEAR MR. NICHOLSON: As you will remember, when you took charge of the Menominee Reservation, I told you that you might employ your father-in-law, if there were a job there that he could do, and in which he could earn his money. I am rather under the impression that the position which he occupies is not considered by various inspecting officials essential at a place like Neopit, and if that is the case, you should at once find some other work for him.

Will you please make me, at the earliest practicable date, a very full report in the case of Mr. Dowling, his duties, his capacity, etc.

Mr. Chittenden on his return to Washington had much to say in praise of your work at Menominee. I feel from various reports that you are steadily in the way of accomplishing the things at Menominee which you went there to do, and I repeat them here merely because it never does any of us any harm to be continually spurred on a little, no matter how much we may think we are spurring ourselves; so do not forget that they are:

First, an Indian proposition particularly in the way of teaching the Indians to work, and always a little more at higher work, and to get as many as possible of the Indians at work.

Second, to make of the Menominee forests a splendid example of a conservation proposition. I want the forest an example as to low stumps and cleaned-up brush.

And, third, a paying logging and milling proposition. That this is a big combination in the way of a job goes without saying.

Sincerely, yours,

Signed, E. B. VALENTINE, *Commissioner.*

MR. A. S. NICHOLSON,

Superintendent Indian School, Neopit, Wis.

NOVEMBER 29, 1911.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge the receipt, by your reference, of a communication from Inspector E. B. Linnen, with inclosures, wherein charges are made by several Indians against the superintendent of the Keshena Indian school, Capt. Nicholson.

These charges, preferred by Menominee Indians, should, in my opinion, be investigated.

In case you deem it advisable to investigate them, the attention of the investigating officer should also be called to certain charges filed by John Gauthier, a dismissed barn boss.

The record now in the Indian Office is inclosed herewith.

Respectfully,

(Signed)

R. G. VALENTINE, *Commissioner*.

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE.

KESHENA INDIAN SCHOOL, KESHENA, WIS.

NEOPIT, WIS., *December 4, 1911.*

The Hon. ROBERT G. VALENTINE,

Commissioner of Indian Affairs, Washington, D. C.

MY DEAR MR. VALENTINE: I am in receipt of your letter of November 28, and have thoughtfully studied your comments. This reply is meant to be a frank expression of the facts, such as I believe you want and such as stands out clear without any enlargement. Let me say first that I wish to have the position and duties of the superintendent of live stock discussed without any consideration of Bennett's relation to me. He is the kind of a man that stands on his own ground and would so want it.

I regret sincerely that any inspecting officer would make a report without being thoroughly conversant with all the facts and sides of any case. I could only account for the report to you, that the present position of superintendent of live stock is not essential to the operation here, on the grounds that a story had been given to the inspecting officer that looked plausible on the surface and apparently substantiated by circumstances, or from a direction apparently reliable. The conditions here have been such as to make it necessary for one to know the past to get the real truth. I say this because of a remarkable coincidence. The day before I received your letter I was visited by an Indian—Reginald Oshkosh—one of several of a disturbing element, composed of the old business committee. He formerly occupied a position here at \$900 per annum, for which he performed no work, and which position had been recommended abolished by Inspectors Lennon and Farr, before I came here, which was carried out by my approval after my arrival on the job. This Indian has been continually after some place, as he puts it "easy work and good pay," where he would have time to look after what he calls interests of the tribe. I gave him a chance in several capacities at real work, but he quit. He told me bluntly that I had a relative employed here, Mr. Bennett, and friends, Mr. Dowling and Mr. Coit; that they had easy jobs and got good pay, and that he and other Indians had complained on this and would make trouble. He intimated that I fix him up and everything would be O. K., and I told him figuratively, "to get." My real words were that no man would have a job under me unless he did something to show for it. This same Oshkosh, with others, Oshkenaniew, La Bell, Stick, and Amour put up a job at the last council, when but few members of the tribe were present, and had themselves elected to a committee on tribal interests, with a resolution that they be allowed \$100 per month wages, which was not approved by the office. When I spoke to you about Mr. Bennett before coming here, it was because of a talk I had with Mr. King, who was familiar with the operation. He mentioned this position and what he conceived its duties and values were and I realized that Mr. Bennett might be a valuable man, if the conditions were as reported. I took charge on July 1, 1910, and made a careful investigation of every position, the duties and worth to the operation. This position was one. It was vacant, the former incumbent having resigned, not having done anything for his salary. To bear this out, my reports on Neopit during July, August, and September will show. It was not until some months after, in October, that I was satisfied that the right man would be of real worth here and that I recommended Mr. Bennett's name to you. Mr. Bennett is a practical farmer, breeder, and horseman, his people being so for generations. He has owned, raised, and broken his own horses from draft to thoroughbred, as well as other general stock. The salary of the job here is no incentive to him. He is a lover of animals, knows their wants, and is really only here because of sentiment for me. Being in the place, he takes pride in his work. It is said the place is not essential here; I inclose a copy of an extract from one of my reports. Let me show some of the facts of value that do not appear to the casual onlooker. Every horse on the job, some 80 head, and in prime condition to-day—no sale of useless horses held, because they each and everyone have received

the proper attention and care. This is something of a saving. Upon Bennett's arrival here two fine horses were in such condition that they were on the verge of being condemned. Bennett said "Let me have them for a few days. I will have them at work in a few weeks." Even the barnmen and Indians laughed—they were in such bad shape. To-day they are working and are two of the most valuable horses we have; a credit of \$500 at least. During the past year at least a dozen horses were badly hurt in the woods, so much so that they would have to be sold under ordinary circumstances. They were cared for and brought into fine shape—some credit is due here. Dozens of cases of horse sickness, such as colic, etc., in which horses would ordinarily die, unless expert treatment was given them—credit here the services of a veterinarian saved. Not one call was made. Attending to duties until late at night at the barn, going to attend horses at camps or barns, sometimes distances of miles, at all hours, in every kind of weather—at least some credit due here. Common occurrence under old conditions to have outside teams fed at our barns at the operation's expense and harness and parts of taken—these things have stopped since Mr. Bennett was on the job—a considerable saving here. Mr. Bennett pointed out the necessity of the horses being rested and freshened up by green pasturage in the summertime in the slack period, where heretofore they stayed at the barns at our expense. This was a saving in the cost of feeding idle horses. He formulated a plan of idle horses being let out to careful Indians to help farming, as they only have pony teams—some credit due here. We put out a dozen teams this way and every team had a month's pasturage, with a saving of feed. He proposed the farm plan and developed it as another saving in the operation's expense in feeding and camp supplies. He looks after two stallions and the breeding line. We have now 19 mares in foal. I could go on and quote you numberless cases of real value to this reservation, supervision and advice to the school on stock, advice and help to the Indians in care and cure of their stock—such as it is. Personal supervision of the new farm and its development with the Indians under his charge. A saving made in the purchase of 10 head of at least \$500. A saving made in the purchase of two stallions of over \$1,500; we being allowed for the purchase \$3,000 on an estimate given and bought them for the actual amount of \$1,250. Responsible for at least 60 gardens in this town alone. He built a hothouse, developed vegetable plants, gave them away, furnished seed, advice, and really started farming anew on this reservation. But why go on—his services have really not cost this operation 1 cent, but he actually produced a profit. I figure him in the reduced cost of operation here equally with any other man on the job. Let me further say that we have had three horses killed and in every instance through carelessness of Indian drivers. Bennett's courtesy and treatment of the Indians is marked, and I venture to say that he is the best-liked white man here. Out of a number these are two special instances of direct savings under his charge: Shoeing horses, for a period of eight months, to June 30, 1910, \$195.00; shoeing horses, for a period of 15 months, up until September 30, 1911, \$140.10. Labor charged to barn expense, for a period of eight months, to June 30, 1910, an average of \$189.45 per month. Labor for a period of 15 months, to September 30, average \$165.68 per month. These are items in barn expense.

Concerning Mr. Dowling: He is superintendent of construction. As such, he supervises all construction work in town of whatever nature. He has drawn plans for 10 houses for the operation, and they have been built and at an extraordinary low cost. Under his régime the town has been platted into blocks, streets, and lots. He has established a book record, in which are kept all transfers of property, which are constantly occurring among the Indians at all times. He is responsible for the care and upkeep of the buildings, making estimate of costs, repairs, and necessities therefor. He is, in fact, general town clerk and official of every capacity. He sketches plans, makes estimates, and furnishes the Indians with information on building. Under office instructions that all building done here be done with proper regard to health, light, and heating conditions, he looks after this. He has personally planned and built under his supervision perhaps a dozen cottages, all models of neatness and usefulness, for Indian residents here. He has drawn and has had accepted by the office plans for the proposed enlargement of the Keshena School, presenting specifications and estimates of cost, etc. This embraces the school, assembly hall, dormitory, sanitary bath and toilet, and outside buildings. He drew plans and specifications for the Keshena Hospital and supervised the construction of the same. In addition, he is called upon for any special line that may come up. For instance, he helped out in the preparation of annual statements, assisting the cost keeper in the preparation of figures. He frequently works at the office until late in the evening. He is a Princeton man, and was in the building business with his father, a large builder in Brooklyn, N. Y. He was out on a vacation trip when the vacancy occurred. Knowing his qualifications, I proposed the place to him, and he accepted. He is a quiet,

likeable fellow, who does his work without display; athletic, energetic, with an excellent education. He is a practical draftsman and builder, and, above all, one of the most gentlemanly fellows here. He looks after all rentals, complaints of householders, and remedies same. He practically takes the cares of the town off my hands, leaving me free for the major operations. One particular department under him shows a large increase in profit—almost double that of last year. Here are the figures: Rentals, for a period of eight months, to June 30, 1910, hotel lost, \$557.03. Rentals profit, \$1,138.92. Net profit, \$581.89. For a period of 15 months, up to September 30, 1911, hotel profit, \$30.70. Rentals, \$2,816.21. Total net profit, \$2,846.91. There is no question but that his services have paid here.

Concerning these two places here, I assure you that if they were not necessary they would not be here. In some respects, on account of the manifold duties performed, the titles may be misnomers, but were they not here some one, or perhaps more, would be doing the work that is attended to by them now.

I appreciated very much Mr. Chittenden's visit. I learned some things from him, and of course like to hear that I am doing things. I welcome and invite criticism, as I learn much from it.

Patting on the back but blinds a person. I have before me at all times the three propositions, as you put them to me; first, the Indian proposition. You will find here now many more Indians employed than ever before. I keep putting them at tasks suitable to their capabilities, and, in spite of their disinclination to steady employment, notice gradual and encouraging signs of progress toward profitable labor. The third clause, making the operation a paying proposition: it has started, and I am going to keep it going. The second proposition, making the Menominee forests an example of conservation principles, has been the most delayed and is one of the hardest jobs, owing to the conditions and emergencies of the past; only an attempt could be started. Last winter and this summer was but a herculean effort to save property and prevent great loss. If you have read *The Blazed Trail*, no task there written was any greater than our job here. We won. Prior to your letter, prior to Mr. Chittenden's visit, my logging superintendent and I talked many times on this subject and discussed matters and principles. Copies of instructions inclosed will give you some idea of the line we are pursuing. When it will be remembered that three of our five camps are in charge of Indian foremen, brought up under old logging conditions and most of their labor Indians who can see no good in piling and burning brush or in modern forestry; when you consider that our other labor in the woods is the dregs of the unemployed—Polish mostly—and know their unskillfulness, our distance from labor centers, the dislike of labor to come here on the reservation, under reservation regulations, it causes wonder that things are as good as they are. I have had this expressed to me many times by visiting lumbermen. One thing more makes cutting here not look so well: It should be remembered that winter broke the first part of February and there was absolutely no chance to clean up. We started October 1, 1910, built a railroad, logged 30,000,000 feet, hauled and delivered it to the mill by September, 1911; men worked day and night to the limit, beyond belief. I never saw its like, and I have seen some experience in my years.

I hope that I have made this clear and that you can pick the kernel from the chaff and absorb what you want. Believe me,

Yours, faithfully,

A. S. NICHOLSON, *Superintendent.*

JANUARY 4, 1912.

MR. A. S. NICHOLSON,
*Superintendent Keshena Indian School,
Neopit, Wis.*

MY DEAR MR. NICHOLSON: The office has received your letter of December 4, 1911, regarding the work being done by Mr. Bennett and Mr. Dowling.

Your answer in the case of Mr. Bennett is satisfactory. I simply caution you once more to make perfectly sure that there is no just ground for criticism in his case, as I warned you when I told you that you could employ him. I never saw a case yet where such a course did not open a man to criticism—all that you can do is to be sure that it is not justified.

I have never ceased congratulating myself that there is not in the Indian Service, and I have been in it seven years, any relative of mine, or anyone who was a friend of mine before he entered the service.

I do not feel quite so satisfied with your statement regarding Mr. Dowling. I should like to hear from you further in that matter.

Respectfully,

(Signed)

R. G. VALENTINE,
Commissioner.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
MENOMINEE INDIAN MILLS,
Neopit, Wis., January 10, 1913.

Hon. R. G. VALENTINE,
Commissioner of Indian Affairs,
Washington, D. C.

MY DEAR MR. VALENTINE: Replying to your letter of January 4, in reference to complaint against employment of the superintendent of live stock and superintendent of construction, permit me to say that no consideration of any nature has been allowed to enter in the employment of men concerned other than that of ability and value to the job here. When this operation came under my supervision, I proceeded to investigate and determine the value of every employee, no matter how humble the nature of his work. I mapped out the plan of organization needed to run the work successfully and built up our organization from the men I found on the ground. Naturally, when a man was needed for some particular place I had to get him outside. When he had to possess qualifications of certain nature I had to know all about him, through other sources, besides the story he told me. This is necessitated, as you well know, owing to general practice of men in feeling that they do not have to produce some work for the Government as they would for a private concern. Ability of the man, not the relationship in any capacity, whether that of previous acquaintanceship or otherwise, was, and is, the determining factor. I sought these two men, they did not seek me. Correspondence records of this office will show this. I had looked for the men out here, but could not cross the right men for place. I knew something of these men and recommended them to you.

In the organization here! there is not a single place recommended by me that the occupant is not of value. Mr. Dowling increased the net earnings of his department (real estate) from $3\frac{1}{2}$ per cent to $6\frac{1}{4}$ per cent. This past fall this plant was inspected by Mr. Goodman, of Goodman, Wis., who conducts similar operation in northeast section of State. He built his own town, schools, etc., for employees. He was greatly interested in our town. He inspected our houses in process of building, looked over Dowling's plans, and took copies, together with costs, etc. He told me that we out-did him, and he was priding himself on his work. Mr. Keenitz, of Green Bay, another lumberman, said virtually the same, and Mr. Dowling has to-day a standing offer from these gentlemen, that any time he desires a change, to enter their employ. Men of his kind are scarce in this country. I do not know that there is anything I can add further in this case beyond what has already been said. I am satisfied, that on any case, any part of this work, that proper explanation and showing can be made, clear and convincing, to even only half-way fair-minded men. So firm is my resolve and belief in proper methods of doing things, that if results demanded and my own position was superfluous to this operation, I would at once notify you with recommendation.

I trust I have made this clear to you.

Sincerely, yours,

A. S. NICHOLSON, *Superintendent.*

DEPARTMENT OF THE INTERIOR,
Washington, December 4, 1911.

THE COMMISSIONER OF INDIAN AFFAIRS.

SIR: The department is in receipt of your letter of November 29, returning the communication from Inspector E. B. Linnen, with inclosures from several Indians reflecting upon the operation of the timber work on the Menominee Reservation, which is in charge of Mr. A. S. Nicholson, superintendent.

The statements of these Indians do not seem to reflect to a serious extent upon the superintendent, one of the letters merely stating that one of the employees in the saw-mill was found asleep one night when he should have been at work; the other letter states that the timber is not being properly cut but that a large per cent is being wasted. The other papers transmitted by you include a communication from John Gauthier, a former employee on the reservation, which, in a way, charges the superintendent with nepotism and favoritism toward certain employees. It appears that you addressed a letter to the superintendent asking him for a report as to the dismissal of Gauthier, and his reply shows that Gauthier was not dismissed but that when he was reprimanded for not properly performing his work he voluntarily quit.

In view of all the circumstances, the papers in this case do not seem to warrant an investigation of the superintendent and the work on his reservation by a department.

inspector at this time, particularly in view of the fact that under date of November 28 you addressed a personal letter to Mr. Nicholson asking him for a report as to the employment of his father-in-law, whom you state you gave Nicholson permission to employ, and also a report as to Mr. Dowling, who is one of the employees mentioned as a "pet" of Mr. Nicholson. Furthermore, in this letter of yours to the superintendent you state:

"Mr. Chittenden on, his return to Washington, had much to say in praise of your work at Menominee. I feel, from various reports, that you are steadily in the way of accomplishing things at Menominee which you went there to do." * * *

It would therefore seem that in your own opinion these charges against Mr. Nicholson are not of a sufficiently serious nature to warrant an investigation by a department inspector, and the papers are returned herewith. If Mr. Nicholson's reply to your letter of November 28 is such as to warrant an investigation, it is suggested that, unless more serious charges develop, the matter could properly be investigated by an inspecting official of your own service.

Very respectfully,

FISHER, *Secretary.*

Inclosure.

FEBRUARY 14, 1912.

MR. JOHN GAUTHIER,
Keshena, Wis.

SIR: In further reply to your letter of August 2, 1911, complaining with reference to the action of the superintendent in dismissing you from the service, you are advised that information on file shows that you were not dismissed, but left the service. The superintendent reports that you are now employed as laborer on the reconstruction of the hospital.

Further action regarding the charges does not seem to be necessary and should you have any further complaints to make, it is suggested that your statements be made under oath.

Respectfully,

(Signed) C. F. HAUKE,
Second Assistant Commissioner.

FEBRUARY 13, 1913.

HON. WALTER L. FISHER,
Secretary of the Interior, Washington, D. C.

SIR: Answering your letter of the 13th instant, I beg to call your attention to the fact that all of the information you request therein was transmitted with my letter dated November 11, 1912 (more than three months), in which you were requested to permit the Menominee Indians to hold a tribal council meeting for the purpose of selecting and employing an attorney or attorneys on an annual salary, to represent said tribe, said employment to be subject to your approval. The necessity for such employment and the work to be done was set out with particularity in the preamble to the proposed resolution prepared at their direction, to be considered by the Menominee Indians in tribal council, provided only that you permitted the Indians to hold such council meeting. The proposed resolution, draft of which has been on file in this case for more than three months, is as follows:

Whereas the Menominee Indians are the owners of 10 townships of land situated in the State of Wisconsin containing approximately 1,750,000,000 feet of merchantable timber of an estimated value of \$10,500,000 (Senate Doc. No. 719, 61st Cong., 3d sess. p. 3844); and

Whereas the State of Wisconsin claims (under certain acts of Congress donating to said State certain lands for school purposes and certain lands known as swamp lands), title to more than 35,000 acres of said land embraced in the Menominee Reservation, and has heretofore cut a large quantity of timber therefrom and sold and disposed of the same and appropriated a part of the funds derived therefrom, the remaining funds being held in escrow by agreement until the title to said lands may be determined by appropriate proceedings to be hereafter instituted, the value of said land and timber cut therefrom being approximately \$2,000,000; and

Whereas the Menominee Indians claim that the Stockbridge Tribe of Indians is justly indebted to them for the value of timber cut by said Indians, or by the United States and the funds paid to said Stockbridge Indians, on what is known as the two-mile strip, and which was a strip of land extending 2 miles wide and across two townships, owned by the Menominees, to the Wolf River, and which strip of land the

- Menominees allowed the Stockbridges to use in order to secure an outlet to said river; said claim depending largely upon oral testimony which can only be obtained from the older members of the two tribes, who, by reason of age and disease, are rapidly disappearing, and which said claim is in excess of \$150,000; and
- Whereas many of those persons known as "mixed bloods" and who accepted funds under the treaty of October 18, 1848, in full payment of all their separate interests in the tribal property, are now asserting a right to share equally in the funds and property of the tribe with all other members thereof and are now prosecuting their claims before the Congress of the United States, there being grave danger that Congress may, upon the ex parte showing made by said claimants, allow a part or all of said claims, to the great and lasting injury of the present membership of the tribe; and,
- Whereas there are many other claims arising out of treaty stipulations which the Menominee Indians have against the United States which can only be settled and determined by a reference of said claims by act of Congress to the Court of Claims of the United States and the prosecution of said claims thereafter before said court; and,
- Whereas the logging and lumbering operations carried on under the acts of June 28, 1906 (34 Stat. L., 547), and March 28, 1908 (35 Stat. L., 51), have proved unsatisfactory to the Menominee Indians, the tribe having sustained a loss during the first two years' operations, and prior to November 1, 1909 (as shown by the report of S. J. Colter, chief eighth field division, and dated February 23, 1910 (S. Doc. No. 719, 61st Cong., 3d sess., vol. 7, p. 3761), of \$731,780.30, and a further loss since November 1, 1909, of more than \$600,000; and,
- Whereas the present unsatisfactory conditions of the logging and lumbering operations on the reservation have existed since the Menominee Indians were deprived of any voice in the management of their own property or any participation in the logging or lumbering operations, and since all logging and lumbering operations have been conducted exclusively under the control and management of the officers of the Government of the United States pursuant to the authority contained in the act of March 28, 1908 (35 Stat. L., 51); and,
- Whereas if the present unsatisfactory condition continues it will result in great loss to the tribe, the only remedy being the assertion by the tribe of a claim against the Government of the United States for the extent of the damages it has already, and may hereafter sustain by the mismanagement of its property by Government officers, which is now going on, against the protest of all the Menominee Indians; and
- Whereas the Menominee Indians are desirous of cooperating to the fullest extent with the officers of the Government of the United States to the end that their property may be conserved and all logging and lumbering operations may be conducted economically and wisely so that the Menominee Indians may receive a proper and adequate return for their timber; and
- Whereas it is indispensable to the interest of the Menominee Indians, the proper management of their property and the prosecution of their separate claims against the State of Wisconsin, the Stockbridge Indians, and the Government of the United States that they may be permitted to employ their own attorneys, to be paid out of their own funds, who may appear and represent them whenever and wherever their interests are affected or involved; and
- Whereas the Menominee Indians have confidence in the ability and integrity of Webster Ballinger, attorney at law, of Washington, D. C., and David F. Tyrrell, attorney at law, Gillett, Wis., and desire to employ them on an annual salary and their actual expenses to represent the tribe in any and all matters affecting the property rights of said tribe and in the prosecution of all claims of said tribe; and
- Whereas the said Webster Ballinger and David F. Tyrrell have indicated a willingness to accept such employment for a joint salary of \$8,000 per annum and their actual expenses, which compensation the Menominee Indians believe to be reasonable and just; and
- Whereas it will require several years time in which to prosecute said claims to a final determination and to adjust the present unsatisfactory condition relative to the affairs of the Menominee Indians, and it is the desire of the Menominee Indians that the employment of said attorneys shall be by contract and for a period of five years:
- Now, therefore, be it
- Resolved*, That the chairman be, and he is hereby, authorized, in the name of the Menominee Tribe of Indians, to enter into a contract with Webster Ballinger and David F. Tyrrell in accordance with section 2103 of the Revised Statutes of the United States, by the terms and provisions of which the said Ballinger and Tyrrell are:
- (a) To become the tribal attorneys of the Menominee Indians;

(b) To appear and represent the tribe wherever and whenever its interests are in any way affected or involved;

(c) To cooperate with the officers of the Government of the United States to the end that a better business and more economical administration of the logging and lumbering operations on said reservation may be secured;

(d) To represent the Menominee Indians in the matter of the claim of the State of Wisconsin to about 35,000 acres of land granted by the Government of the United States to the Menominee Indians and situated within their reservation;

(e) To prosecute the claim of the Menominee Indians against the State of Wisconsin for all timber cut by said State on lands situated within the Menominee Reservation;

(f) To prosecute the claim of the Menominee Indians against the Stockbridge Tribe of Indians arising out of the cutting, by the Stockbridge Indians, of the timber off a certain tract of land owned by the Menominees and commonly known as the two-mile strip;

(g) To defend the Menominee Tribe in the matter of the claim of certain persons known and described as "mixed bloods" in the treaty of October 18, 1848, and their descendants to membership in the tribe and full property rights as such and which claims are now being prosecuted before the Congress of the United States;

(h) To examine all treaties and agreements made and entered into by and between the Menominee Indians and the Government of the United States and the accounts and records of the Government and to report to the Menominee Indians upon any and all well-founded claims they may have thereunder against any nation, tribe, or individual;

(i) To give and advise to the members of the Menominee Tribe at any and all times as to their tribal affairs, in consideration of which services the Menominee Indians agree to pay to the said Ballinger and Tyrrell an annual salary of \$8,000 and all necessary and actual expenses, including traveling expenses, incurred while actually engaged in any work for the Menominee Indians, the said contract to continue in force for a period of five years from the approval thereof; and,

Be it further resolved, That the secretary of this council be, and he is hereby, directed to transmit, through the United States Indian agent, to the Commissioner of Indian Affairs and the Secretary of the Interior a true copy of this resolution and the contract to be entered into hereunder in triplicate for their action thereon.

On February 5, 1913, I transmitted to your office, at the request of the Menominees, a petition prepared in triplicate and the separate copies signed by more than 200 adult male Indians and containing the names of practically every Indian of standing on the reservation, appealing to you to permit them to employ their own attorneys for their own protection and setting out clearly the reasons therefor. With these papers before you, but which you personally never had opportunity to consider, you advise me in your letter of February 13, 1913, as follows:

"As to the claims against the United States the department has adopted the uniform rule of requiring attorneys who wish to negotiate with Indians on tribal matters to make a statement setting forth the nature of the matters or claims in which they propose to be retained as attorneys, giving the facts so far as known to the applicant in detail; also the general nature of the contract which it is proposed to make, and in case the matters to be taken up are such as would require precedent action of Congress in submitting the matters for adjudication to the Court of Claims or other tribunal, that the applicant attorney shall state fully reasons why employment is necessary before Congress has so acted. If you will comply with this practice, the department will give your application careful consideration in connection with other applications which have been filed for permission to negotiate with the Menominee Indians."

This clearly indicates, to my mind, that the record on file was not even examined by the subordinate official who prepared this letter for your signature.

The first four paragraphs of the preamble to the proposed resolution set out succinctly and with reasonable particularity the exact claims covered, the complete facts with reference to which are well known to the officers of the Indian Bureau and your office.

The controversy with the State of Wisconsin is one of long standing. It could and should have been disposed of years ago. There is ample existing jurisdiction in the courts to hear and determine this question. But the department, possibly owing to the fact that the United States may become involved, has neither attempted to adjust these titles nor has it up to this time permitted the Menominees to employ counsel and secure an adjustment of this controversy for themselves. In the meantime, the money held in escrow, being a part of the proceeds of the timber cut, is lying idle, the ownership of the lands remains undetermined, the timber thereon is going to waste, and the Indians are being deprived of the funds collected by the State of

Wisconsin from a part of the timber cut and sold. The State is now preparing to take action to perfect its title, as will appear from the attached newspaper clipping. While the State is thus perfecting its case nothing is being done toward preparing the case for the Indians by the department, and the Indians are denied the right to appear by their own counsel and defend their lawful property rights.

The Stockbridge claim is equally well known to the officers of the department. It is of more than 40 years standing. Some steps must be taken without further delay to secure a jurisdictional act permitting the adjustment of this matter or the claim will be lost, as it rests almost entirely upon parole testimony, and those Indians of both tribes who have a personal knowledge of this matter are rapidly dying off. The department can not and will not secure legislation by Congress authorizing a determination of this matter, and without such legislation no action can be taken.

The claims of the "mixed bloods" who accepted funds under the treaty of October 18, 1848, have only within the last few years been denied by the department. These claimants, numbering several hundred, have appealed to Congress for relief from what they claim to be the unjust action of the department in excluding them from any right to now share in the property of the tribe. Bills have been introduced in both branches of Congress for their relief, and a subcommittee of the House Committee on Indian Affairs prepared a favorable report on one of the bills. This matter should be well known to the officers of the department, as the matter was within the last four years passed on and decided by the department, and the department has within the last two years been called on by the committees of Congress for reports on bills designed to reinstate these people into full tribal rights, and reports have been submitted.

The next paragraph in the resolution relates to other claims arising out of treaty stipulations, which can only be ascertained by a careful review of the treaties and an examination of the departmental records. The Menominee Indians are entitled to have an accounting from their guardian of the management of their estate by it. The time is not far distant when the lands of this reservation will be allotted in severalty, and before that time arrives the Menominee Indians are entitled to have their accounts with the Government examined into and to know with absolute certainty whether their guardian has honestly and faithfully administered its trust in accordance with the treaty provisions.

The next paragraph relates to the logging operations on the Menominee Reservation. Upon this point, in your letter of the 13th instant you say:

"With respect to the logging and timber operations, the department can not authorize the employment of attorneys, as the duty of supervision such operations devolve by law upon the department and its representatives. Men experienced in forestry work have been employed, and the operations on the Menominee Reservation are now being conducted at a profit."

The Menominee Indians are not satisfied with the logging operations heretofore and now being conducted under the supervision of the Government officers. The official report referred to in the resolution shows that between June 28, 1906, and November 1, 1909, the Menominee Indians actually lost in the logging operations conducted under the same "men experienced in forestry work," \$731,780.30. The loss since November 1, 1909, to the Indians has been in excess of \$600,000, as can be easily shown by an examination of the accounts. If all of the timber thus far cut and sawed into lumber was sold together with all of the improvements made by the Government in connection with logging operation it would not amount together with the funds on hand to as much as the original fund when the Government commenced logging operations for the Indians in 1907. The fund amounting to upward of \$3,000,000 existing at the time the Government took charge of this work was built up by the Indians from logging operations conducted by them in their crude way. The Government took charge of these operations in order that they might be conducted according to approved economic business methods, and in order that the Indians might secure the full profits from their timber. Thus "the men experienced in forestry" while the Government has been in charge of this work have succeeded thus far in producing an absolute loss to the Indians of more than \$1,000,000 in five years. These are facts, Mr. Secretary, and are fully sustained by the record. This is the result in part of existing law, which should be changed, but which the department is making no effort to change, and partly to the incompetent administration of the Government officers in charge. The Indians are endeavoring to minimize the Government liability by the employment of counsel to cooperate with the Government officers in securing an economical and business administration of the logging operations. The liability of the Government to-day arising out of the logging operations alone is in excess of \$1,000,000, and that liability is being increased daily, notwith-

standing the statement in the letter just received that the "operations on the Menominee Reservation are now being conducted at a profit."

These Indians have been compelled to sit idly by and see their property dissipated by Government officials, some of whom have been notoriously incompetent, and their funds squandered in wild experimentation. The timber now being cut is owned by these Indians. They are asking not to be permitted to employ counsel for the purpose of antagonizing the governmental authorities in the logging operations, but for the purpose of cooperating with the administrative officers to the end that existing abuses may be corrected, an insolvent enterprise may be put upon a solvent and paying basis, and that they may secure the full fruits of their property without subsequently prosecuting a claim against their guardian—the United States. They want to be in a position to learn and know the exact facts and to be able to come to you with any grievances they may have and to be able to intelligently present them. The Indians themselves can not do this. You know that. There is ample authority under the law to grant their request. It is just and proper. Why then deny them what appears to be a clear right and leave them helpless and powerless?

The purpose of the employment, its extent and compensation, are set out with particularity in the resolution. It would be practically impossible to state them more succinctly.

Neither Mr. Tyrrell or myself ever sought this employment. The Indians appealed to us to accept such employment and endeavor to adjust conditions on their reservation that have become intolerable. Neither of us will permit ourselves to be put in the position of soliciting the employment. But regardless of our selection, these Indians are entitled as of right to some proper representation by counsel. It does not seem possible with the situation known and understood to the administrative officers that the reasonable request made will be denied. To deny it would simply amount, under the guise of protecting these helpless people, to despoiling them of their property.

In their behalf I therefore urge that they be permitted to employ competent counsel to represent them in the matters hereinbefore set out, and thus relieve them of the necessity of going to Congress and securing an investigation that could not result in benefit to the department or redound to the credit of the administrative officers who have had direct charge of the affairs of these Indians. Unless some relief is granted legal claims rising into the millions of dollars will fully mature against the Government, which it will take years to prosecute, but which will be ultimately paid. I therefore ask for early action on this matter.

Very respectfully,

WEBSTER BALLINGER.

KESHENA, WIS., *September 2, 1913.*

HON. THOMAS F. KONOP,
Member of Congress, Washington, D. C.

SIR: We, the Menominee Indians, have been anxiously waiting for the administration to relieve us from our corruptly managed affairs by our present superintendent, A. S. Nicholson.

Our superintendent is a very undesirable man by the tribe. We have been looking for an investigation, but it seems that our wishes are at a standstill.

Please, kindly intercede for us, and if possible, let us know if we may expect any move by the department in this line. When in your city last March you said that a committee would be appointed to see after the affairs of the Indians, particularly our milling operations. Hoping to hear from you,

I am, your servant,

F. S. GAUTHIER.

[Shawano County Advocate, Tuesday, January 14.]

THE MENOMINEE INDIANS—THOSE ON THE GOVERNMENT RESERVATION SEEM TO BE DISSATISFIED.

The following article was published in the Northwestern last Saturday, and as it is of interest to the readers of this paper we publish the same. We do not know anything about the conditions there, but print it as written:

NEOPIT, WIS., *January 10,*

The Menominee Indians are very much dissatisfied and disgusted with Supt. Nicholson because they say they can see with their own eyes that he has not the

ability nor the business experience to fit him to manage with success, financially, such a big enterprise as that undertaken at Neopit, Wis.

They say that their timber is being wasted, their business mismanaged, and that their money which they have accumulated in the United States Treasury in the past, by years of toil and hardship, is fast disappearing and growing smaller instead of increasing as it should be if the business was properly managed as private lumber concerns manage theirs.

They are also getting suspicious. They smell that something is growing wrong somewhere which ought to be looked into and exposed. With this end in view, prominent members of the tribe have been actively engaged in running backward and forward among the members of the tribe. Secret conferences have been held here and there. And finally it appears an agreement has been reached by the leading members of the tribe which has resulted in a petition being signed by the members of the tribe which was lately forwarded to Washington, D. C., requesting the Secretary of the Interior to permit the Menominee Tribe of Indians to employ an attorney at law to work for them and to help them to look into and to investigate if any wrong or injustice has been done to the tribe in connection with the logging operations, manufacturing and sale of the lumber belonging to the Menominee Tribe of Indians, and for other purposes.

The Menominees say that Nicholson ought to be removed from here at once, because he is not fit for the position he now occupies. A year ago this winter the Menominees made a complaint to the Government against Nicholson, looking to his removal. Soon after a man by the name of Hamilton was sent from Washington to the reservation to investigate the matter. This man, according to what the Indians say, made a report of his findings to Washington and whitewashed Nicholson, and the Menominees think that this saved Nicholson from being removed.

Because the authorities at Washington did not do what they thought was just in the matter of their complaint against Nicholson, the Menominees look with much disfavor upon the present administration at Washington. And it is with a feeling of great relief that they now look forward to the change of administration that will take place March 4 next. As soon as President-elect Wilson takes hold of the reins of Government, the Menominees say they will make a request that Nicholson be kicked out of here as soon as possible, so that he will land in New York or somewhere else, where he should have been kept all this time, instead of being sent here among the Menominees to try to manage their business where he is not wanted by the Menominee Indians.

MITCHELL OSHKENANIEW.

GILLETT, Wis., *December 31, 1912.*

HON. THOMAS KONOP,
Washington, D. C.

MY DEAR KONOP: Mr. Webster Ballinger, of Washington, D. C., and myself have a matter up with the Department of the Interior that I wish you would lend your aid and influence to.

During the fore part of last October, while we were at Neopit, in the Menominee Indian Reservation, we were consulted by a large number of the prominent Indians of the Menominee Tribe with reference to matters of interest to the tribe.

They informed us that the tribal funds and property were being squandered and wasted through the operations at Neopit; that the tribe had already suffered a loss of at least a million and a half, if not more, in money and valuable timber through the operations at Neopit.

They also informed us that the State of Wisconsin was asserting a claim to a large part of their reservation: that the tribe had a claim for a large amount against the Stockbridge Indians and the Government for timber cut on what is known as the "Two Mile Strip;" that the tribe also had large and important claims and rights growing out of treaties made years ago with the tribe; that a large number of persons claiming to have Menominee blood and known as "mixed bloods" were seeking enrollment in the tribe, and that a bill was now pending in Congress, they thought, to secure their enrollment; that many of the older and aged members of the tribe were important witnesses in the last three matters I have mentioned, and that unless immediate steps were taken to secure this evidence the tribe undoubtedly would lose many valuable rights and claims by the death of these aged members; that notwithstanding the great importance of these matters to the tribe, and the urgent need of counsel to look after them, the requests of the tribe to be allowed to employ counsel had been refused by the Interior Department.

These Indians asked our assistance to secure for the tribe the right to employ counsel to look after the tribal interests.

This we promised, and upon his return to Washington Mr. Ballinger took up the question with the Interior Department, after he had made a careful investigation of the whole matter and found them to be substantially as given by the Indians, and Mr. Adams, the Acting Secretary, informed him that if the Indians, through their council or through their proper officers, would submit a proper application and make a proper showing of the necessity of their having counsel the matter would be considered.

Upon receiving this information I at once took the matter up with the members of the tribe, made a careful canvass of them, and found the sentiment unanimous in favor of the employment of counsel. I attended several large meetings of the members of the tribe, and at every one of them the vote was unanimous in favor of employing counsel. This canvass was made with the knowledge and consent of Mr. Eahart, assistant superintendent.

Waiting until Mr. Nicholson, the superintendent, returned from the East, upon his return I took up the question of calling a council of the tribe for the purpose of allowing the tribe to enter into a contract for counsel, subject, of course, to the approval of the proper authorities, and was informed by him that he could not call a meeting of the tribe for this purpose without express direction so to do from the Secretary of the Interior. He also informed me that the contract of employment would have to be submitted to and approved by the Interior Department before it could be submitted to the tribe and that an attorney was committing an offense, according to the rules of the Interior Department, who took the matter up with the tribe without first having secured permission from the Interior Department to do so.

Mr. Ballinger thereupon took the question up once more with the Interior Department, and Mr. Adams requested him to submit the whole matter to the department in writing, which was done.

The matter is now pending and has been for several weeks.

These Indians should be protected, Tom, and it is their right to have counsel if they desire it, and certainly the facts in the case show that there is urgent need of counsel or the tribe will suffer severely.

I feel, Tom, that the tribe desires to employ Ballinger and myself to represent them as counsel, and if allowed to have a council meeting that they will engage us. I wish, therefore, that you would urge upon the Department of the Interior the advisability of allowing the tribe to engage counsel, and, if the department will not do so, to endeavor to have a provision made by Congress directing the Secretary of the Interior to allow them to have counsel.

The Indians told me that if the tribe was allowed to employ counsel in whom they had a feeling of confidence and trust it would bring about a better and more harmonious feeling between the tribe and reservation officers, for they would feel then that their rights were being safeguarded, and thus it would work for the benefit of the tribe's interest. I suggest, Tom, that you take up the question with Ballinger before taking the matter up with the department officials. You will do me a great favor if you will interest yourself in this matter.

Wishing you a happy New Year, I remain,

Your friend,

D. F. TYRRELL.

[George Vaux, jr., Philadelphia, Pa., chairman; Merrill E. Gates, Washington, D. C.; William D. Walker, Buffalo, N. Y.; Warren K. Moorehead, Andover, Mass.; Samuel A. Eliot, Boston, Mass.; Frank Knox, Manchester, N. H.; Edward E. Ayer, Chicago, Ill.; William H. Ketcham, Washington, D. C.; Daniel Smiley, Mohonk Lake, N. Y.; Isidore B. Dockweiler, Los Angeles, Cal. Frederick H. Abbott, Washington, D. C., secretary.]

[Department of the Interior, Board of Indian Commissioners, Bureau of Mines Building, Washington.]

CHICAGO, *January 15, 1914.*

DEAR MR. ROBINSON: Mr. Abbott will deliver to you, with my compliments, a copy of my report on the affairs of the Menominee Indian Reservation.

It is possible that I may have something additional to submit, and if so, I will bring it to the meeting the 1st of February

Yours, very truly,

EDWARD E. AYER.

To CHAIRMAN ROBINSON,
Senate Investigating Committee, Washington, D. C.

CHICAGO, February 11, 1914.

DEAR MR. ROBINSON: On my first trip to Neopit I used the financial statement sent to me by Mr. Sells, which showed the amount of increase to the logging fund, something over four hundred and some-odd thousand dollars for the three years. I supposed that to be the entire stumpage and profit for the three years.

You will see by Exhibit No. 33 that the stumpage was \$443,000 and the profit \$245,000, making \$688,000. The difference between the total receipts and the amount deposited, I suppose, was used in building planing mills, roads, railroads, and making general improvements. It should certainly show on the books of the mill.

I write to show how it came that I used two different statements. The last, Exhibit No. 33, is the information I got from the Menominee plant from the superintendent, Mr. Nicholson.

If you will please put this letter with my report I will be much obliged.

Yours, very truly,

EDWARD E. AYER.

Senator ROBINSON, *Washington, D. C.*

(Exhibit No. 33 referred to will be found attached to report of Mr. Edward E. Ayer on the Menominee Indian Reservation, January 1914, page 746.)

REPORT OF MR. EDWARD E. AYER ON THE MENOMINEE INDIAN RESERVATION, JANUARY, 1914.

President Vaux and gentlemen of the Indian Commission, at our meeting in Washington, early in November, 1913, it was stated that there had been certain complaints made in regard to the administration, etc., of the Menominee Indian Reservation, and I was requested by you to make a personal investigation of it. Your request was very warmly seconded by Secretary of the Interior Lane and Indian Commissioner Sells.

It was getting late in the season; there had been no specific charges made, only that certain complaints had been made, so about the 18th of November I wrote to the Indian agent stating that I contemplated looking over the reservation and asked him if he would not come to Chicago, thinking that I would like to have a talk with him. He replied to me that he had just been East; there were some imperative things that he had to attend to and that he would come to Chicago about the 1st of December, which was about 10 or 12 days ahead.

Immediately after that I got a letter from Commissioner Sells, dated November 20th, stating that he had had an interview with a gentleman by the name of D. F. Tyrrell, who had made charges against the administration of the Indian agent and his subordinates, and that he had requested the gentleman to put his charges in writing, which he did the same date. I hereby submit Mr. Sells's letter and the charges as made by Mr. Tyrrell as Exhibit 1.

Having something definite to go by, I then wrote the agent that I would arrive on the reservation on November 28th.

I told Commissioner Sells in Washington that when I made this examination I would want him to send me one of the most reliable wood rangers that he had. I also brought to Chicago Mr. L. P. Holland, one of our leading superintendents from the South and a gentleman who had had more than 20 years' experience in logging, etc.; also made arrangements with our company to take Mr. Philip R. Smith, our secretary and treasurer, an expert bookkeeper and a man who had also had large experience going over our different cuttings for 20 years back once or twice a year; and also Mr. William Anderson, one of our best stenographers; my theory being that I wanted to have gentlemen of experience, absolutely unknown to the reservation or what had ever been done there, to make the examinations for me.

Upon arriving at Shawano the morning of November 28, a gentleman introduced himself to me as Mr. Tyrrell, the gentleman who had made the charges on the reservation. Commissioner Sells, in Exhibit 1, you will note, had said he thought it would be well for me to give Mr. Tyrrell an interview. Under the conditions of Mr. Tyrrell's letter I concluded to do much more than that—that I wanted to give him every opportunity possible to substantiate these charges.

After arriving at Neopit and getting settled, meeting Mr. Nicholson and being introduced to some of his force who were there, we went over the mill property and into the yard and examined its condition, accompanied by Mr. Tyrrell and I would say eight or nine Indians, who were expected to produce evidence of maladministration in the cutting, piling, and care taking, etc., of the lumber and the conditions

of the yard. We were also accompanied by the Indian agent, the foreman of the yard, the superintendent of the mill, Mr. Rolland, and Mr. Smith.

In regard to the conditions of this mill, I want to exhibit the testimony of Mr. Holland (Exhibit 2), Mr. Smith (Exhibit 3), and Mr. Louis Komnitz, a gentleman who was buying the elm logs and who had experience with most of the large yards in Wisconsin and Michigan (Exhibit 4).

I found that the yard had been formerly laid out largely over a deep slough; that they had driven piles in, forming foundations for the piles, in some cases 50 feet deep or more; that the trash of the mill had been used, as it is in all such places, to fill in this slough, and in several cases after being filled to the yard level had sunk 8 or 10 feet, and sometimes more, down into the water. I refer to the testimony of the yard foreman, Mr. Nelson (Exhibit 5), who has been in that capacity since the mill was located, during the administration preceding the present one.

I found that the waste in miscuts was not larger than usual in first-class mills and the surroundings and the yard itself was in as good condition as could have been expected, the mill only having been shut down a short time, it being a well-known fact that it is impossible to keep any yard clean when you are running night and day. It seems half of the mill was shut down November 1, when they immediately commenced to clean up the yard, and the other half about the 12th, when they put still more men on the work of cleaning, according to the testimony of Mr. Bernard Nelson (Exhibit 5), Mr. Thomas Prickett (Exhibit 7), and Supt. Adams (Exhibit 6).

Mr. Thomas Prickett (Exhibit 7), and Mr. Louis LaFrambois, (Exhibit 8), were two of the particular men depended upon by Mr. Tyrrell to substantiate his charges, and so I told Mr. Tyrrell, after taking the testimony of these two men, that I would send him a copy of it. After Mr. Prickett's testimony was taken, a copy was sent to Mr. Tyrrell; he corresponded with Mr. Prickett, who reported to him in Exhibit 7A, and you will notice Mr. Prickett claims he told me that the yard had not been cleaned in two years. Several days after that, December 17, I again interviewed Mr. Prickett (Exhibit 7B), where he reiterates that the yard was cleaned properly. Thus in Exhibit 7 he said the yard was clean; in Exhibit 7A he said it had not been cleaned in two years, and again several days later, Exhibit 7B, he testified again that it was clean. You can draw your own conclusions in regard to this gentleman's testimony.

The other Indian mentioned as one of Mr. Tyrrell's principal advisors was Mr. Louis LaFrambois (Exhibit 8). I probably talked with this man an hour altogether, and Exhibit 8 is a copy of the interview as taken down by the stenographer in answer to the questions asked only. It seems that Mr. LaFrambois thought I ought to have taken down all he said or thought of, as illustrated in his letter to Mr. Tyrrell (Exhibit 8A). You will notice he never thought of being an engineer until answering my question, "Well, did you ever quit a job because they would not make you an engineer?"

In Mr. Prickett's second interview (Exhibit 7B), you will note that he says about LaFrambois raising the \$250 for Mr. Ballinger. I wrote a letter to LaFrambois asking if it was true; his answer is Exhibit 8B. You will note that he did not answer the question at all.

It was represented by the Indians accompanying Mr. Tyrrell that there had been a great deal of lumber badly sawed, etc., and wasted, and Mr. T. J. Turney (Exhibit 9), was presented to me in company with Mr. Tyrrell, as a witness to that effect. His testimony is Exhibit 9, where you will note he finds much fault with the superintendent of the mill, with the machinery, and methods, which is absolutely contradicted by the testimony of the LaPorte brothers (Exhibit 10), one of whom worked opposite Mr. Turney, using the same carriage half of each 24 hours, and also by Supt. Adams (Exhibit 6).

The next morning, November 29, 1913, I had Mr. Nicholson, the Indian agent, place the logging engine and car at our disposal.

The party consisted of Mr. J. P. Kinney, supervisor of forests, the gentleman assigned me by Commissioner Sells from Washington; Mr. Philip R. Smith, and Mr. L. P. Holland, the two gentlemen who accompanied me; Mr. Nicholson, the Indian agent; Mr. E. J. Brigham, superintendent of logging on the reservation; Mr. Lincoln Crowell, deputy supervisor of forests, resident at the reservation; Attorney D. F. Tyrrell; and 10 Indians. I had suggested to Mr. Tyrrell that I thought 5 Indians would be enough, but he wanted more and I finally told him to take whoever he chose.

I introduced Mr. Tyrrell to Mr. Holland, Mr. Smith, Mr. Kinney, and others, and told Mr. Nicholson I desired they should go and look at everything in the timber that Mr. Tyrrell suggested.

While the gentlemen were in the woods on the 29th I took the opportunity to try to post myself about different classes at Neopit, and made the following interviews:

First, with Mr. Peter Lookaround, a very intelligent Indian, and one of the two principal storekeepers there, which I present as Exhibit 13.

Next, with Mr. C. A. Turtelet, the other principal merchant of Neopit, which I present as Exhibit 14.

I next interviewed the policeman, Mr. Joe Gristo, Exhibit 15.

Next, Mr. Charles W. Chickeney, Exhibit 16.

Next, Mr. Frank Gauthier, Exhibit 17.

Next, Mr. John Kakatosh, Exhibit 18.

Next, Mr. Mose Tucker, Exhibit 19.

Next, Mr. Simon Beauprey, Exhibit 20.

Next, Mr. George McCall, Exhibit 21.

Next, Mr. Peter Lamotte, Exhibit 22.

Next, Mr. Wyeskesit, Exhibit 23.

Next, Mr. Charles Freschett, Exhibit 24.

Next, Mr. Louis Oshkenaniew, Exhibit 24A.

In Exhibit 25 I present the testimony of Mr. Mitchell Oshkenaniew. You will see from the last part of his interview that he wants an attorney. That testimony was taken November 30.

Exhibit 26 is a letter of December 3 from the same Mitchell Oshkenaniew, after a quarrel with Mr. Tyrrell.

I also present a letter from Mr. Nicholson, Exhibit 26A, dated December 4, stating that Mr. Oshkenaniew had been to his house, and the way he treated the matter.

You will notice in the postscript of Mr. Nicholson's letter, Exhibit 253, a reference to poor La Frambois, who raised the \$250 which was sent to Mr. Ballinger, begging not to have deductions made in the little money coming to him, as he had a sick child.

In regard to the conditions in the woods, I desire first to present a summary of Mr. J. P. Kinney's detailed report, which is Exhibit 11; and another supplementary report of December 16, Exhibit 11A; and a very able report itself, Exhibit 11B. I want to call attention to the fact that the 250,000 feet of hemlock mentioned in the last paragraph of Mr. Kinney's summary, Exhibit 11A, is the same as mentioned in the third paragraph, starting "For instance," on page 9 of Exhibit 11B.

I also present my wood superintendent, Mr. L. P. Holland's report, Exhibit 2, and Mr. Philip R. Smith's report, Exhibit 3.

On our third day there, the 30th of November, the whole party went into the woods again, starting at 7 o'clock in the morning and worked all that day. As all the lumber under investigation was that cut for three years, and it being very important that Mr. Holland and Mr. Smith should be attending to their duties, I sent them home that night, the 30th; and Mr. Kinney took the same party (except these two men and Mr. Nicholson), and went through another day, giving three days with the logging engine, and I think made a very careful and lengthy exhibit, which is fully set forth in the reports mentioned above.

Mr. Brigham and Mr. Crowell, Exhibits 12 and 12A, under instructions from Mr. Nicholson, immediately after this went over every part of past operations on the line of our railroad, skirted logging districts of 10, 11, and 12, and this past year, with instructions to scale everything merchantable, locate the forties same were on, and whether same could come to mill or not. Note of such instructions will be found in Mr. Nicholson's report, Exhibit 29B.

I have every day's work and the individual scaling of every log on file in my office but send you the sworn summary of Mr. Brigham and Mr. Crowell, Exhibit 12, which shows a total measurement of 94,770 feet log scale. They estimate that there were 33,250 feet not accessible, or probability of logging at least doubtful, and that there were 61,520 feet accessible to present year's operation. This is what was left of 95,000,000 feet of logging, about 300 logs or perhaps a thirtieth part of 1 per cent left; and if they were sawed into lumber they would all go on two ordinary carloads of lumber. I hand you the sworn statement of Mr. Brigham and Mr. Crowell, as Exhibit 12.

In the interview with Mr. Brigham and Mr. Crowell, Exhibit 12A, you will notice that they both think that 30 per cent of the 33,000 feet can be got to the mill, and if so it would leave not more than a carload and a half of sawed lumber, as the average logs cut for the season was a trifle over 10 logs to the thousand.

In connection with the logging question I want to call your attention to paragraph 6 of Mr. Kinney's report, Exhibit 11, where he says, "It must be admitted that Mr. C. H. Woodcock, the superintendent of logging, worked with tremendous energy and that whatever his faults and mistakes may have been, he succeeded in bringing the logs from the Evergreen district to the Menominee mills at Neopit at an exceptionally low figure. The cost of logs in the pond at Neopit cut during the year 1910 to 1912, inclusive, in the Evergreen district, was from \$1 to \$2 less than the cost of logs under similar conditions at other mills in Wisconsin." That is, on nearly all the lumber

in those years coming to this point there was a saving of at least fifty or sixty thousand dollars on this item alone.

I desire to call especial attention to paragraph 9 of Exhibit 11, where Mr. Kinney treats particularly of the loss on the pine timber, and he estimates that by being left as long as it was the depreciation on this pine could not have amounted to more than 10 per cent, which amounted to \$40. He says, "Is not this a mere bagatelle compared with the loss of time and cash which have been expended by the Indians in an unwise and misdirected attempt to make the little hill of nonfeasance appear a mountain of malfeasance?"

And in that connection, this agitation has been going on nearly a year; the Indians have been called to Shawano several times, railroad fare being 80 cents each way; they have paid the expenses of Mr. Tyrrell to Washington; they have been out of work for days and days; we have taken the time of the engine and crew for four or five days; the Government has sent its expert to help; I have brought our superintendent from Kentucky, our secretary and treasurer, and my stenographer to Neopit; made two trips up there myself; have worked with my stenographer what time he could get from his other duties for nearly a month on this report; and the outcome of it all is, according to the sworn testimony and reports of the Government's own men, and my men, that there as been in the neighborhood of two carloads of lumber left in 95,000,000, and that Mr. Woodcock, whom they have traduced most unmercifully, has saved the plant—consequently the Indians—many thousands of dollars by good work.

I report a conversation had with Mr. D. F. Tyrrell, attorney, after my return from the first trip to Neopit, which I hope everybody that it comes before will read, because it is certainly interesting. This is Exhibit 26.

I said to Mr. Tyrrell at Neopit that the Indians were in an excited condition, that it was much to their injury, and that he was the one that could quiet it, meaning that he was, absolutely, the man who had brought about that condition.

You can get an idea from this interview, Exhibit 26, as to what the gentleman wants, and how they want to earn it. As it seems, they consider it their duty to collect a million dollars from the Government for maladministration on the Indian reservation; then they want to collect a large amount from the Government and the Stockbridge Indians.

I did not have any data in regard to all the claims they had made to the Indians, so I wrote Mr. Nicholson January 2, asking if he could give me any data on the subject, and I have his letter of January 3, marked Exhibit 29C, giving a list of eight or nine different things they think they can do, and something in regard to the methods they have used.

I can not help but feel that if there had been a hundred times the loss in money to the Menominee Indian tribe it would not have compared with the damage done by these outsiders, and the few Indians they could control inside, to the tribe, by this agitation.

All these men insisted to me, including Mr. Tyrrell, that the plant was losing money. I tried to impress upon them that I had got the statements from the Treasury Department, also from the plant. It was impossible to make them believe that they were not fraudulent, that everybody was not lying to them, and I feel now that perhaps it would have been better if I had simply given Mr. Tyrrell an interview, as Mr. Sells suggested, and that I had insisted that it be outside of the reservation. The four or five days he was there there was a constant turmoil among the Indians, a consultation every night, and taking the Indians into the woods and all that. I feel it was a great damage to the tribe to have permitted it.

In speaking of the expense that we have all been to in this matter it is also a matter of proof, according to the testimony of Mr. Prickett, Exhibit 7B, Mr. LaFrambois, Exhibit 8B, and Mr. Tyrrell himself, Exhibit 26, that there has been \$250 sent to Mr. Ballinger, \$125 raised to pay Mr. Tyrrell's expenses to Washington, and the money that Mr. Tyrrell says he was responsible for himself, \$200, was borrowed from a part blood not belonging to the tribe; making \$575 in all.

The whole proposition has been a wretched one. In fact, there is being a tremendous effort here to make bricks without straw; and it does seem to me that the present agitation and charges is a poor return for the efforts made to run a sawmill successfully and do it with nearly 50 per cent of labor that can come when they please and go when they please. The whole testimony of all thinking people about the institution is that the building of the mill has been a great benefit to the Indians. I think both the Catholic missionaries feel that way, and everybody who knows anything of the former conditions there. It certainly has been.

In my second visit to the Menominee Reservation I had an interview with Mrs. Myrtle W. Marble, field matron at the Mission of Keshena, which speaks for itself. This is Exhibit 22. I think you will all agree with me that her recommendations are very practical.

On this second visit to the reservation I spent the first afternoon and the next forenoon visiting the homes of the Indians of the village and surrounding country. I was very much pleased with the cleanliness of the Indians, and I want to express in the highest terms the benefits that the Catholic missions have been to the Indians on the Menominee Reservation. It is pronounced in every way. They are soberer, cleaner, and better people.

I went over the hospital at Keshena and found it comfortable, clean, and well organized.

I also went into the homes of a large number of Pagan Indians, where I found a good many charming personalities. I didn't, in fact, see but two that were particularly and grossly offensive, and they were two families of very dissipated Indians. All in all I found the Indian condition, from the two intelligent, live merchants already mentioned in Neopit, to all of those except the two mentioned that I saw in the Pagan houses, living comparatively comfortably.

But the system of dealing with the older Indians on this reservation is not fair. They have a large amount of property, say in the neighborhood of ten millions, that belongs to the tribe. It is so well invested in timber and land that it is going to be a perpetual inheritance. There ought to be some better way of taking care of the old people, letting them enjoy their full share to a greater extent.

I have already taken up with the State government of Wisconsin, asking them to establish one of their traveling libraries at Neopit, and will also ask them to do the same at Keshena.

I make the following recommendations that it seems to me ought to be carried out:

1. The plant is tremendously handicapped in only having a cheap railroad with small supply of cars, etc., to ship its products. I recommend that arrangements be made to allow the Chicago & North Western Railroad to come in from the south under a contract satisfactory to the department. I use the term "from the south" from the fact that they are nearer the reservation from the west, but that would add 50 or 60 miles to every car that went out of the plant routed for the south.

2. I recommend that the reservation be cruised, that there be a report made showing the approximate amount and class of timber on every section of the reservation. Some people say there are two billions, some say one, and some one and a half billions. I think the department ought to know positively, for their future guidance, what is on the reservation and also the same investigation should classify the lands for agricultural purposes.

3. In my judgment it would be safe and proper to allow each Indian on the reservation \$500 in money; this money to be placed to the credit of each Indian and to be used for their benefit on the recommendation of the agent and under the control of the agent wherever there is any danger of anybody using the money unwisely. Bill H. R. 10832, introduced by Mr. Stephens of Texas, December 17, 1913, would seem to give authority to carry out this recommendation, as well as the next one in regard to advances for farming.

4. I recommend that farms be allotted to Indians wishing to become farmers, the grant of the Government to be so framed as to preclude alienation within a period of 50 years from the date of grant; the land not to be subject to lien or incumbrance of any kind; the land to be granted for farming purposes exclusively.

I recommend that in addition to the \$500 that each Indian gets in the above-mentioned allotment three or four hundred dollars more be given to any Indian who takes up a farm, to be charged to his individual account as against the balance of money in the Treasury belonging to him, and that this amount be used solely and fully for the purpose of helping to put buildings, stock, etc., on his farm. It is utterly impractical to undertake or expect these Indians to clear up a farm and get it going without help, and in my judgment the future prosperity of these Indians depends on their being taught farming.

5. I recommend that two, four, or six of the brightest young Indians on the reservation be sent to Wisconsin State College of Agriculture at Madison to take a full course in forestry and scientific farming, that they may come back to the reservation equipped to teach the Indians who have elected to make farms.

To show the importance of this I will state that in the State of Illinois each county has a man whose sole duty it is to go down amongst the farmers, rich and poor, and teach them about the best kind of stock, how to treat it, analyze their land, confer with them about the best sort of crops, and how to fertilize for it. If it is important in the State of Illinois, amongst the rich farmers, you can see how it would apply amongst Indians just starting.

6. I found the most astonishing system of selling this lumber in force by the orders of the department at the mills. Under the system now in vogue it is possible to do only very little with the big concerns that expect to make at least \$2 a thousand on every

stick they buy in that way. This could be entirely saved, making a difference of from forty to sixty thousand dollars a year to the mills, by employing a bright salesman say at \$2,000 a year and expenses, to travel among the lumber yards in the small towns that are tributary to this plant in southern Wisconsin, Illinois, Indiana, and Iowa and sell this lumber.

It seems to me that rules might be arranged having each check drawn to the Government, etc., and make this safe. Bradstreet's could be taken to find the leading lumbermen in each town, those that are abundantly safe—and nearly all of them are rich—so that you would lose but a very small amount, if any. To illustrate this: I know of three, four, or five lumber yards in the immediate vicinity of my country home in Wisconsin that I would guarantee all they bought, if it was the entire cut of the plant, for 10 cents a yard.

7. In the many thousand acres of land on this reservation there is an enormous amount of food for cows and young stock growing and going to waste every year. I think the reservation should be investigated with the view of starting a trial herd there of a thousand head of cows, to be herded by Indians with their ponies, and to be allowed to increase to the full extent; that hay could be cut in certain protected districts to get them through the winter. There is certainly enough food there for nine months of the year for several thousand head, and at the price that cattle are now and always will be, there will be a large profit in turning off the 2 and 3-year old steers each fall to be sent down, if not fat enough for beef, for feeders. It seems too bad, in the present condition of the meat supply of our country, that enormous districts like this should be allowed to go to waste.

8. I recommend that there be a department connected with the school in Keshena, and another in the school at Neopit, teaching girls how to do housework, sewing, etc.; and a manual training school for boys, to teach them how to use their hands.

9. I would also recommend that there be a company or tribal store at Neopit and a branch one at Keshena, and that the goods shall be sold, say, on a basis of 12½ or 15 per cent, which would make the stores absolutely self-sustaining and the Indians would get the necessities of life much cheaper. These stores should also carry a stock of the ordinary agricultural tools that might be used and there should also be a bank, say with forty or fifty thousand dollars capital connected with the Neopit stores, where the employees of the mill could get checks cashed.

Now, if they want to buy anything extraordinary, an agricultural tool or any other thing, or cash their check, they have got to go 20 miles away to Shawano for the purpose, and they are subjected to all the temptations of the outside towns. I think everything ought to be supplied to the Indians on the reservation so that they would have as little necessity of leaving it as possible.

I know of no settlement in the country of seventeen or eighteen hundred Indians, beside 200 or 300 whites, that has not banking facilities. Each employee of the plant has to suffer an exchange for getting his check cashed.

I should not think of starting a store without purchasing the property of Mr. Look-around and Mr. Turtelet and trying to get them to run it for the benefit of the agency and under the directions of the Indian agent.

I purposely refrained from having any conversation with Mr. Nicholson about the conditions at the plant, until I had examined the conditions there, taken all the testimony but one or two pieces, and got the reports from our men in the woods, etc. I then wrote him a series of questions covering general conditions there, and these questions and his replies I submit as Exhibit 29, and I want to say that there have been some grave charges preferred against the management of this mill, and it is no more than justice to Mr. Nicholson that every officer of the department that this report is referred to should read his defense and his illustration of conditions there.

On December 4 I wrote Mr. Nicholson in regard to railroad rates and the railroad conditions there, to which he answered fully on December 8. Exhibit 29A. This is a very important question and his views on the subject are certainly practical and worthy of consideration.

To sum up my impressions on the conditions that the Government has placed over the logging, milling, and disposing of the lumber:

I don't think I have thought of it since I first went to the reservation that my mind did not revert to making bricks without straw. I think the Government has done a very wise thing in having this mill built; I think it has been of tremendous benefit to the Indians, and the reports show that it has made \$444,000 in the last two years, including the value of the stumpage.

It seems mighty good work to me that it could be done, when half of the labor employed was compulsory practically; that a person could leave his work at any time without notice, stay away as long as he had a mind to, come back when he chose, and still get a job; after the lumber was made that it was sold under such conditions.

I feel very sure that the mill, outside of the lumber they have sold in the pine and lumber logs in the woods—in other words, every stick of lumber that they sold—they got at least \$2 a thousand less than they could have got had it been sold in the usual way.

The United States Government Army can't buy that lumber because they have got to ask for bids; the lumber can't be sold because they can't sell without asking for bids. It seems ridiculous.

The employment of the Indian part can't be helped, and nobody would want to help it if they could, because the prime idea in establishing the plant—and it was a wise one—was to teach these Indians to work, and it is certainly doing it.

The conditions that I found in regard to outside influences were appalling. That any intelligent man would write such a letter as Mr. Tyrrell did to Commissioner Sells, based on the say so of four or five, six or eight, discredited men, in a way (it seems most of these men had been tried and found wanting) is beyond my comprehension.

The reports of your very able wood ranger, Mr. Kinney, and the other wood ranger, Mr. Crowell, both Government employees, and the reports of Mr. Holland and Mr. Smith—in fact, everything on the place, the cleanliness of the yard, the cleanliness of the supply department, the cleanliness of the towns showed the untruth of the charges.

And then that men should absolutely deny statements of the prosperity of the plant, the books in Washington showing that the funds had been increased largely in the past two years, and still go up and down the reservation claiming that it was not true, that the mill was losing money. Look at the testimony of the splendid Wykesit, Exhibit 23. He knew they were not making any money, because where was it? He knew the mill had been losing money, because they didn't get it; he had been told so.

A man must be in desperate straits who will conduct himself in any investigation the way Mr. Tyrrell did in his talk to and before the Indians on all occasions, as testified to by the gentlemen in the logging party. Then, I feel mortified that a man would come to me and ask me if I would approve of an attorney to stand between such men and the Government agent and the United States Government.

Of course the whole motive of going into the woods nearly a year ago, stirring up these disaffected Indians, is the same one that has been at the bottom of every attack on Indian property—the desire and hope of getting some of it.

I don't think that Mr. Tyrrell, the attorney, is a dishonest man, but I feel that he is far, far away from a wise one; and I feel that it would be a calamity to have any attorney appointed for the Menominee Reservation for the purposes that Mr. Tyrrell outlined to me in his interview (Exhibit 26), and that Prickett and Oshkenaniew (Exhibits 73 and 25, respectively) testify they want an attorney for, to protect them from the agent. I have understood it was against the law to go onto the reservation for any such purposes as Mr. Tyrrell was there. Unfortunately for the Indian, and I think for the investigation, his time was industriously employed in the three or four days he was there while the investigation was going on.

At this point I want to introduce the testimony of Mr. Reginald Oshkosh, Exhibit 31, a full blooded Indian and Tribal Chief of the Menominee Tribe, who for the past year or two, as you will see by Exhibit 29 of Mr. Nicholson, has been pulling himself together and doing good work. It certainly speaks for itself, and I hope that whoever sees this report will read it.

I received an astonishing letter from Congressman Konop to Mr. Abbott, in regard to my investigation, grossly insulting me and the commission through me. I hereby submit a copy of same and my answer to him, as Exhibit 30, in my report.

I also sent a copy of same to Secretary Lane and Indian Commissioner Sells, that they might see the kind of influence that is being brought to bear to belittle the work of the commission.

The testimony complained of in Congressman Konop's letter is that of Mr. Thomas Prickett, Exhibit 7B, in my report.

I also want to call attention to a letter written by a gentleman who has been about the reservation for 17 years, and who has written a very calm and dignified letter in regard to the conditions there, which I present as Exhibit 32. It certainly shows the improvement that has been made during the past years and this gentleman's recommendations and suggestions are all good.

I have laid some stress, in this report, on the old people of the reservation, who are not getting the benefit of their wealth, and who, at the best, can only last a short time. I think there ought to be something given to this class of people and to the ill and infirm who are incapable of working, each year.

The claim has been made that the mill was selecting the best timber, therefore making a better showing than could be continued.

The mill, I don't think, has made any effort to select the best timber. It will be seen that they were forced by the big fire to a certain locality. They were also forced to take the best timber here, as there was so much burned over they could not lumber it all before some of it must deteriorate very much. Forest Supervisor Kinney, you will note, has gone into this fully. The 1,500,000 feet Mr. Tyrrell speaks of is the 250,000 feet of hemlock Mr. Kinney mentions, and says hemlock was so cheap that at the time it would not have paid to cut it. The only selections that have been made in pine was for the hewn timber, and for that it is shown that they received as much per thousand for the whole log standing, \$70 per thousand, as they could get for, say, the best 25 per cent of the lumber the log would make; and the amount sold this way has been a small percentage of the whole white pine cut. The elm so sold has been at a still higher price relatively, about \$47 per thousand, standing, and you will note the mill has made a good profit the past two years, after allowing for the higher stumpage for the white pine.

As far as I can learn, no man knows but little of the amount or quality of the timber left on the reservation and still less of the nature of the cut-over and untimbered parts of the reservation, and its adaptability for farming and grazing. The timber is estimated to be between one thousand five hundred million and two thousand million. It is for this reason I recommend so earnestly the cruising of the whole reservation, showing the timber, kinds and quality on each quarter section, the quality of the land, whether good for farming, grazing, reforestry, or worthless. I think good, reliable, capable men could be hired to do this for 5 cents an acre. Then a comprehensive plan could be laid out, covering the management of the whole reservation for years in advance.

During this administration there has been 1,610,690 feet of pine sold at these high prices, in log measurement, and 551,088 feet of rock elm. Very little of this rock elm has as yet been shipped.

I will say, in winding up this report, that I have done no business in Wisconsin for 15 or 16 years; that I never did any business on any Indian reservation in Wisconsin that I know of. I never remember of having seen any man, woman, or child before that I met on the reservation except the people I took with me. And I take the liberty of recommending that whenever there is a change made in the Indian agent or any attorney appointed to represent the Menominee Indians that it shall not be anybody who has, or who ever has had, any business relations or acquaintances within a hundred miles of the reservation.

Respectfully submitted.

EDWARD E. AYER,

Member of the Board of Indian Commissioners.

JANUARY, 1914.

[Congressman Konop's letter of Dec. 31, 1913, to Mr. F. H. Abbott.]

WASHINGTON, D. C., December 31, 1913.

F. H. ABBOTT,

Secretary Board of Indian Commissioners,

Washington, D. C.

MY DEAR MR. ABBOTT: As per request, I am returning to you the statement pertaining to the Board of Indian Commissioners. I am of an entirely different mood relative to this Board of Indian Commissioners than I was when you saw me. I at that time thought that this Board of Indian Commissioners was of some service, and Mr. Smiley and you gave me that impression. You also told me that Mr. Ayer, who was sent to make an investigation of the milling operations at Neopit, Wis., was sent there to make a bona fide honest investigation of the milling operations. From the testimony that he has been gathering at that place, and from the acts that he has done over there, I have lost absolutely all confidence in his investigation, and I think the investigation is absolutely a farce. I think it is an investigation to whitewash Nicholson of any complaints that may be made against him.

I am sending you a sample copy of some of the testimony that this man has taken, from which it clearly appears that he is not making an investigation of the business operations at Neopit, but is prying into extraneous matters, belittling the complaints and complainants. I want to ask you whether or not in your opinion you think that such an examination has anything whatever to do with business operations at Neopit? This little bit of testimony will convince any man that this man Ayer, instead of being there to investigate matters for the benefit of the Indians, is there to pry into the complaints made and belittle them as much as possible.

Very truly, yours,

(Signed)

THOMAS F. KONOP.

[Copy of Mr. Edward E. Ayer's letter of Jan. 8, 1914, to Congressman Konop, of Wisconsin.]

Congressman THOMAS F. KONOP,
Washington, D. C.

CHICAGO, January 8, 1914.

DEAR SIR: Mr. F. H. Abbott has sent to me your letter to him of December 31, 1913.

The second day that I was at the Menominee Indian Reservation, Mr. Tyrrell said to me that you and Mr. Ballinger and he said to Commissioner Sells that you would look with suspicion on any investigation made at the Menominee Reservation by anybody that Mr. Abbott was associated with. This remark introduced me to a type of men that I have never met before—men who would voluntarily insult a Government officer who was selected by the Commissioner of Indian Affairs and the Secretary of the Interior to make an investigation, before, even, the investigation was started. I immediately told Mr. Tyrrell that Mr. Ballinger's and his opinion was a matter of entire indifference to me and that as for Congressman Konop, he could go to hades.

I ought not to be astonished at receiving yours of December 31 to Mr. Abbott, and still I am. You are again insulting the Board of Indian Commissioners, appointed by the President as the advisors of the Indian Department and the Secretary of the Interior.

Under act of April 10, 1869 (R. S. 2039), also under an Executive order of June 3, 1869, and an act of July 5, 1870 (R. S. 2041), and especially an act of May 29, 1872 (R. S., 2042), you can find out something probably new to you in regard to the powers of the commission.

Of course, the motive of Mr. Ballinger and Mr. Tyrrell is well known; that is, to get \$8,000 a year for being attorneys of the Menominee Indians. What yours can possibly be in thus grossly attacking a body of gentlemen who are working without salary, and in some cases much expense to themselves, it is almost impossible to imagine.

I have the most profound respect for the United States Senate and the House of Representatives, but, to my mind, your being a Member of the House only shows that accidents may happen to the best regulated families, and I feel sure that your district, in the grand State of my nativity, will see to it that the accident does not happen a second time.

I am making your letter and my answer to you a part of my report on the Menominee Indian Reservation, and have also had your letter photographed for future reference. I am also sending a copy of your letter, and my answer to it, to-day, to Commissioner Sells and Secretary Lane, that they may see in advance the outside efforts at work to try to influence my investigation.

Yours, very truly,

(Signed) EDWARD E. AYER.

1. TYRRELL TO MR. SELLS.

[Copy of letter from Mr. D. F. Tyrrell to Hon. Cato Sells, dated Nov. 20, 1913, and Mr. Sells's letter to Mr. Edward E. Ayer, dated Nov. 20, 1913, inclosing copy of Mr. Tyrrell's letter, all relative to the affairs on the Menominee Indian Reservation.]

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, November 20, 1913.

MY DEAR MR. AYER: After an interview with Mr. D. F. Tyrrell, of Gillette, Wis., yesterday, I requested him to write me a letter stating conditions as he understands them to exist at Menominee, and that he also leave with me certain photographs taken by him.

I received his letter to-day, and am herewith inclosing same to you with the photographs, that you may have the benefit of his suggestions.

Mr. Tyrrell seems to be a very earnest and intelligent man, and I think it would be well for you to have an interview with him.

I wish you would advise me a few days in advance of the time when you start for Wisconsin, so that I can arrange for one of my men in the Forestry Service to accompany you, as you requested.

To the extent that I can be of service to you, please command me.

Very truly, yours,

(Signed) CATO SELLS,
Commissioner.

Hon. E. E. AYER,
Ry. Exchange Bldg., Chicago, Ill.

WASHINGTON, D. C., November 20, 1913.

HON. CATO SELLS,

Commissioner of Indian Affairs, Washington, D. C.

MY DEAR SIR: Pursuant to request I herewith submit to you certain data, relative to the Menominee Indian matter.

I am not conversant with the conditions existing throughout the entire area covered by the logging operations on the reservation, but that portion with which I am familiar bears ample and convincing evidence that the operations are being conducted at a heavy loss to the tribe.

The work, seemingly, has been and is being carried on with little or no regard for profit. Waste is evident on all sides. (Note exhibits hereto attached and more specifically referred to herein.)

Splendid timber has been cut and left to rot in the woods. (Note Exhibits 1 and 2.)

White pine and Norway logs, containing the very best lumber, may be seen skidded in the woods and left to the mercy of the weather and worms and in this same area may also be seen other white pine and Norway logs that have been cut and swamped and not even skidded, but simply left where cut.

Logging roads have been cut and splendid logs piled on each side of them and left. These roads were never used after being cut.

Large trees, both green and dead, have been left along the logging railroad notwithstanding the fact that they contained valuable lumber and stood only a few feet from the right of way.

In one place ties, posts, and poles were scattered around. In another a large number of pieces of cedar had been cut and left in the woods.

I found that the white pine and Norway had been cut from a tract of burnt timber and at least 1,500,000 feet of fine hemlock left to spoil. (Exhibits 10 and 11 give a view of this tract. Exhibit 11 also gives a view of the camp, known as old camp 12, I believe, which is located practically at the edge of this tract. The track ran between these camps and this tract and a portion of the right of way is shown by light streak at point marked "X." The dark streak in Exhibit 10 shows the same tract from another angle.)

White pine logs, scaling not less than 500 feet of the finest white-pine lumber that ever grew in the State of Wisconsin, I found cut and left in the woods to be destroyed by the weather and worms. (See Exhibits 1 and 2.)

In one small area I counted not less than 14 white-pine logs, none of them less than 12 feet long and one of them at least 24 feet long and containing the cream of white-pine lumber, that had been left in the woods. These logs will average not less than 2½ feet at the small end. In this same area were two white-pine trees, measuring not less than 70 feet from butt to first limb, or, to be exact, 24 paces, that had been felled and left to decay. From these trees could have been cut the very finest quality of white-pine lumber. In this same area I found a piece of hewed timber, about 20 inches square and not less than 40 feet in length, or, to be exact, 14 paces, that had been left where hewed.

Please note, Mr. Commissioner, that these logs and trees just referred to were as good as any that ever grew in the State of Wisconsin or anywhere else. I can not make this statement too strong.

I found large areas that had just been skimmed over, the best taken out and vast quantities of valuable timber, both dead and down as well as green and standing, left.

All of the timber that I have mentioned in this statement has been left to spoil as the track has been taken up, and, if it is ever logged, it will be at a great expense and after it has become nothing more than cull timber.

A large burned-over area, containing several million feet of valuable timber, remains uncut and uncared for, notwithstanding the fact that it was burned over several years ago. In the neglect to properly handle this tract alone the tribe has sustained an enormous loss.

In the manufacture of square timber the tribe is suffering a great and grievous loss. Only the best of timber is taken. Nothing out the largest and tallest trees are used and they must be perfectly round.

In the hewing many feet of the finest lumber is lost in the slabs taken off. I would estimate this loss to be not less than 200 feet to each piece, because the valuable timber left in the tops, which in many instances would bring the amount up to several hundred feet. (See Exhibit 2, showing slabs against tree.) A future loss will result from the fact that the taking of this select timber leaves an inferior grade of timber, which will not bring as much as it would were it sold in conjunction with the select stuff.

In one instance a watering trough had been hewed from a white pine log at least 30 feet long and worth in lumber, I should judge, not less than \$30. A trough could have been made from hemlock plank at a cost not to exceed \$2.50 and the horses would never have known the difference and the tribe would have saved \$25 or more.

Green lumber is being cut to-day, while millions of feet of burnt timber is going to waste.

Valuable lumber is being thrown into the "hog" ground up, and hauled out and dumped into the slough.

Valuable lumber has been dumped into this same slough and covered over with this ground-up wood from the "hog." The places where this lumber has been buried can be pointed out. (Exhibits 6 and 7 give some idea of the waste.)

A great deal of material from which considerable revenue could be realized has been and is being thrown into the "burner."

Exhibit 9 shows what is known as the "sink hole." Into this hole has been dumped some 300 carloads of gravel, besides a large quantity of logs. Had the track been run but a few feet to one side it would have had high ground and this hole avoided.

Mr. Commissioner, I realize that I have made some very strong statements herein. I feel that it is up to me to prove them. I earnestly request that you give me an opportunity to do so. Kindly allow me to point out the things I have referred to. In fact, I feel that it is quite possible that some of these items will not be located unless I do point them out. I would be pleased to meet any representative from your department at Shawano, Wis., at any time—the sooner the better, however—and go over this matter carefully with him. Thanking you for the opportunity to present these facts, I am,

Respectfully, yours,

(Signed) D. F. TYRRELL,
Post-office address, Gillett, Wis.

Mr. Commissioner, it has just occurred to me that I was informed by members of the tribe some time ago that they had commenced to dray in some of this timber that had been cut and left in the woods. If such has been done it was at a great expense and after the timber had greatly deteriorated in quality and value and for the purpose only of getting it out of the way. If an inspection is made before snow comes evidences of this work, if any done, will be readily apparent.

(Signed) D. F. TYRRELL.

2. HOLLAND.

[Mr. L. P. Holland's affidavit.]

JANUARY 29, 1914.

I hereby certify that the statements made in my report dated December 4, 1913, to Hon. Edward E. Ayer, of the Board of Indian Commissioners, regarding conditions on the Menominee Indian Reservation, are true and correct to the best of my knowledge and belief.

(Signed) L. P. HOLLAND.

STATE OF KENTUCKY,

County of McCracken, ss:

Subscribed and sworn to before me, a notary public, this 29th day of January, 1914.

[SEAL.]

FRANCES JOHNSON, Notary Public.

(My commission expires Jan. 30, 1916.)

2-A. HOLLAND.

[Copy of report of Mr. L. P. Holland, woodsman in the employ of Ayer & Lord Tie Co., Chicago, dated Paducah, Ky., December 4, 1913.]

PADUCAH, KY., December 4, 1913.

HON. EDWARD E. AYER,

Indian Commissioner, Chicago, Ill.

DEAR SIR: I herewith hand you my report on three days' investigation beginning November 28, 1913, of work being done on the Menominee and Stockbridge Indian Reservation at and near Neopit, Wis.

On the 28th of November I looked over and inspected carefully the mill yard. I found, according to my judgment, based on 19 years' experience in the tie and

lumber business, the most efficient work, both in manufacture and care of stock, that I have ever seen on any mill yard large or small. The management of this part of the work has certainly been first class.

Beginning on the 29th of November, in company with Mr. Tyrrell as an attorney for some eight or ten Indians who were also along, with several other parties, I began the inspection of the cutting and logging on the reservation, following the direction of Mr. Tyrrell. I was first shown a square timber 38 feet long, 24 inches in diameter, No. 187. Mr. Tyrrell claimed a loss to the tribe on account of the slabs hewn from this timber, there being some very small slabs taken off. I could not see the loss to the tribe, as this timber had been measured and sold and the tribe had credit.

The next complaint was about some logs decked about 400 feet from the railroad. Mr. Tyrrell claimed a loss to the tribe on account of sledding and redecking along the track. When told by E. J. Brigham, who has charge of the logging, that they would be loaded as they were sledded and would not be redecked, Mr. Tyrrell said this would not be done. When asked why, he stated that he would show where redecking had been done before, but he failed to do this, and later admitted that he could not.

I was next shown five white pine logs, sap-stained, which he claimed should have been barked. I consider the damage to these very slight, as they were right on the railroad and will be taken to mill right away.

Again, Mr. Tyrrell claimed that the stumps were cut too high. At this particular point the stumps were rotten and hollow, and I consider that there was no loss, but at some other places, the stumps were cut too high, but the percentage of sound stumps cut high was very small. Mr. Tyrrell also complained about a log that had been left at the butt of a tree. This log was about 30 inches in diameter at the small end; was hollow from end to end, large enough for a man to crawl through. This was demonstrated by a man crawling through the log from end to end. This complaint, in my judgment, was absurd, as it surely would have been a loss to the tribe to have made the expense of hauling and sawing timber of this kind.

Mr. Tyrrell's complaint at camp 15 was that logs had been cut for wood that would have made good lumber. These logs were from a tree that must have been dead at least 10 years, in my judgment worthless to the tribe except for wood. In discussing these logs, Mr. Tyrrell made the assertion that any white-pine lumber that would hold together was worth \$16 per thousand. This shows how reckless he was in making statements. He showed some logs that had been peeled. These were tops from trees cut for export. These, I think, were in good condition and not damaged. Mr. Tyrrell would say, if logs had not been peeled, that they should have been peeled to preserve them; but if they were peeled, he claimed they were damaged by worms.

He showed several logs all scattered on the last year's work in the swamp, that were left on account of the breaking up of cold weather. This territory is still in operation and can be cleaned up this winter. Logs in good condition.

Mr. Tyrrell next showed 2 trees, 14 logs, and 1 square timber that he claims should have been loaded, but the track was removed. These logs were near a new cutting and could be taken up. I could not figure out any loss here.

From this point we passed through a long strip of burned-over land, and old cutting. In this strip, the timber was nearly all dead. We were shown several logs cut and quite a lot of standing timber of the cheaper grades. This was cut over about two years ago, following the fire, and the management claims they cut the white pine and left the hemlock on account of the pine being much more valuable and much more important to save before it was damaged.

On November 30 we were almost exclusively on old cuttings of two years past and over. Complaint was made about logs being cut for lumber being used in making fills for the railroad and steamers for bridges for wagon roads, and skidways left where the track was taken up and removed, and some logs left scattered over this old territory. These claims seemed to be more reasonable, and it looked as though there had been some careless work done by some one, but much of this is a question as to whether the tribe suffered any loss, as the time spent in getting dirt or worthless timber might have equaled the cost of putting the timber in bridges and fills.

Mr. Tyrrell made a charge against the management for charging Tom La Bell, an Indian, \$36 for the use of camps belonging to the tribes, while working out a contract on a certain boundary on which he was to cut and deliver the timber at \$6 per thousand. I fail to see any loss to the tribe in this, but had they furnished a camp free, as Tyrrell said they should have done, it would have been a loss to the tribe.

Mr. Tyrrell showed a cut through the hill about 4½ feet deep, about 600 feet long. He claimed they had a track around this hill and took it up when the cut was made. Mr. Nicholson says this cut was made as the passway for the loaded and empty cars, and both tracks were used at the same time and the cut was made to get on solid ground for the loaded cars, on account of the ground being soft and swampy where the

track went around the hill, which seems to be a good business proposition instead of a waste. Complaint was also made at this point about 110 ties being left that had been used in a jam dock. These were inferior ties in the beginning and had been used in the track before being put in the dock.

He also claimed a loss to the tribe by the management, on account of small trees being cut for skids on which to fall the large trees cut for export. Mr. Nicholson says this timber was all measured and paid for, therefore could not be a loss to the tribe.

Mr. Tyrrell showed some timber near old camp 12 that he said should have been cut. This was burned-over land and, in my judgment, could not be worked at a profit. He showed about 4,000 cedar logs cut about two years ago, also some poles cut by Paul Tebeau, an Indian. These logs were in a swamp and were left on account of the breaking up of the ice. They are in good condition and Mr. Brigham says they will be taken out this winter.

Mr. Tyrrell said to me that he had grown up in the lumber business in Wisconsin, yet he showed ignorance in a surprising way to me, by miscalling the kinds of timber several times. He would call hemlock white pine, and he did this on several occasions.

I have gone over this matter at considerable length, to give you as nearly as possible the character of the claims and charges made by Mr. Tyrrell, and the disposition of this man to magnify his charges. I could give other instances but think these sufficient. After carefully going over the situation I will say that I have never seen or known a job run by anyone where there was as little loss in timber as on this one, and especially is this true of the last two years' cutting. While there are some logs and timber left on the old cutting, in my judgment the percentage is much smaller than is common where I have worked.

Yours, very truly,

L. P. HOLLAND, *Superintendent.*

3. SMITH.

[Copy of the report of Mr. Philip R. Smith, secretary and treasurer of Ayer & Lord Tie Co., Chicago, in regard to the affairs on the Menominee Indian Reservation at Neopit, Wis., dated December 30, 1913.]

DECEMBER 30, 1913.

MR. EDWARD E. AYER,

Railway Exchange Building, Chicago, Ill.

DEAR SIR: You having requested me to go to the Menominee Indian Reservation with you to look over the books of the superintendent, also look over the mill yard and some of the logging operations, I wish to report that I went over all the books, ledgers, cashbooks, journals, and record books, not with the idea of a detailed check or audit, but with the idea as to looking into the methods of handling and seeing whether they were complete, and also to see whether there might be some short cuts that would save labor.

After noticing the immense amount of detail that the Government insists on in its reports and making an examination of the books, I found there were few places where any saving whatever could be made and at the same time furnish the amount of detail required. My opinion is that the books are exceptionally well designed for the work in hand and that they are exceptionally well kept, and I have no hesitation in saying that Mr. Ashford is keeping a perfect set of books.

With regard to the yard, I went through the yard with you, Mr. Tyrrell, and a number of Indians, also with Mr. Holland and Mr. Nicholson, and I found that wherever the piles of lumber were on high ground there was very little trash lying around, no more than in many lumber yards I have visited and not as much as in some. There was quite a considerable amount of trash in that part of the yard that was built on piling, the mill having originally been set in the bottom and a large part of the yard constructed over the water. Wherever this was the case, if a broken piece of board fell, or any of the old piling rotted out, or the timber holding the lumber rotted, they were liable to drop in the water and were not taken away, but they served the purpose of helping to fill this bottom, as a great share of this bottom land where the lumber was on piling has now been filled in with waste material of different kinds, and should all be filled in to make an economical piling yard. Any trash or broken pieces that may have dropped into this water certainly have filled their place in helping to do away with the water. If this yard had all been on high ground, no doubt this accumulation would have been taken away. I saw no waste of good material or neglect in keeping the yard in an ordinarily clean condition. The principal mistake in the whole proposition was the location of the mill at the start.

With regard to the woods, I went into the woods and spent two days there. Mr. Nicholson was with us the first day, and Mr. Tyrrell, Mr. Holland, Mr. Brigham, Mr. Crowell, Mr. Kinney, and a number of Indians were there all of the two days. I found conditions in the woods to conform, in a number of instances, with the charges made by Mr. Tyrrell; that is, as far as finding logs he had photographed and pieces of slabs he had photographed; but as to there being any gross extravagance or waste in the woods, this I did not see.

We located quite a good many logs and found large slabs cut from some of the logs, and also found some logs that should have been hauled in, but the explanation on this was that these were, particularly, logs cut for square timbers left on account of the early thaw. A big proportion of them had been peeled, showing that an effort was made to protect them, a large proportion of them will be brought in for this year's cut and the loss will be exceptionally small on these logs.

The principal loss that Mr. Tyrrell dwelt on was in the cutting of these square timbers, and he claimed there was an awful waste in the slabs. The contract called for the payment of these logs in the round; therefore he paid for such slabs as were left in the woods.

We found other logs that had been left and a number of hemlock trees that had been left in the last three or four years on burned areas, but the instructions at the time were to cut all the pine and better class of timber, as the fair season was so short that they had to cut the timber that would pay the most, and the timber that was left standing, which damaged considerably by being left, was timber that would bring but small returns, and they did not even in the time they had, manage to get all of the pine in, though practically all of it. There is no question but that the loss would be an exceptionally small per cent, considering the immense amount of timber that was brought in during the three or four years.

As to the price that they received for the square timber, I understand this was \$70 per M in the tree standing. They are only getting about \$80 to \$85 per M for select cuts of the same class of timber after it has been logged, hauled to the mill, manufactured, and piled, and therefore I consider the price of \$70 per M in the tree standing, was an exceptionally good one and far better than manufacturing this timber, paying the cost of hauling, cutting, stacking, and then receiving but \$75 per M for the best of it, and much less for the lower grades.

Mr. Tyrrell's attitude, as I saw it on this trip, was one of continual faultfinding. He seemed to see nothing that was done right, and at each log that we would come to in the woods he would make a speech which seemed to be made for the benefit of training the Indians and making them discontented. The only time I heard him say a complimentary word was to Mr. Brigham when we went to the new camp 13 and made the last stop of the evening coming, in and went out on the burned district where Mr. Brigham had cut down and cut up practically every log and every tree on the district, and we found many logs that had been found defective, then Mr. Tyrrell stated that Mr. Brigham certainly was doing his work properly there, but he was afraid somebody might criticize him for spending money in cutting up a lot of this timber that had a number of defects not visible until cut, and they might accuse him of waste in cutting timber that should have been left alone, and yet this was the same class of burned timber that we had been going over, and the criticism was all the other way because it had not been cut.

Yours, very truly,

(Signed)

PHIL R. SMITH,
Secretary and Treasurer

[Affidavit of Mr. Philip R. Smith.]

CHICAGO, *January 13, 1914.*

I hereby certify that the statements made in my report dated December 30, 1913, to Honorable Edward E. Ayer, of the Board of Indian Commissioners, regarding conditions on the Menominee Indian Reservation are true and correct to the best of my knowledge and belief.

(Signed)

PHILIP R. SMITH.

STATE OF ILLINOIS,

County of Cook, ss:

Subscribed and sworn to before me, a notary public, this 13th day of January, 1914.

[SEAL.]

(Signed)

ARTHUR W. ARMSTRONG,
Notary Public.

4. KEMNITZ.

[Affidavit of Mr. L. W. Kemnitz. Report of Mr. Edward E. Ayer's interview with Mr. Louis Kemnitz, of Green Bay, Wis., a lumberman cutting timber on the Wolf River, near Neopit, Dec. 1, 1913.]

Mr. Kemnitz was a visitor at the Menominee Indian mill on December 1, where he was introduced to Mr. Ayer by the superintendent, Mr. Nicholson. Selected from the ensuing conversation, of a general nature, are the following questions and answers:

Mr. AYER. How many lumber yards have you been in, Mr. Kemnitz?

Mr. KEMNITZ. About 40.

Mr. AYER. How do you think this yard here compares with most of those you have been in, in regard to cleanliness?

Mr. KEMNITZ. Mr. Ayer, as I said, I have been in about 40 different yards and I think this is far superior in that respect to most of them.

(Signed) L. W. KEMNITZ, *Green Bay, Wis.*

Witnesses:

CLARA K. JANSEN.

MOSE A. JANSEN.

Personally appeared before me, a notary public in and for Langlade County, State of Wisconsin, L. W. Kemnitz, of Green Bay, Wis., who made oath that the foregoing testimony is true to the best of his knowledge and belief.

Dated at Phlox, Wis., this 20th day of January, 1914.

(Signed) MOSE A. JANSEN,
Notary Public, Langlade County, Wis.

My commission expires December 13, 1915. Post office, Phlox, Wis.

5. NELSON.

[Report of Mr. Edward E. Ayer's interview with Mr. Bernard C. Nelson, yard foreman, at Menominee Indian Reservation, Neopit, Wis., Dec. 1, 1913.]

Mr. AYER. How long have you been foreman here?

Mr. NELSON. Ever since it started.

Mr. AYER. You have had to fill it, have you?

Mr. NELSON. Yes.

Mr. AYER. Hasn't it been injurious, filling it over water?

Mr. NELSON. Yes; it had to be.

Mr. AYER. Couldn't it have been arranged otherwise?

Mr. NELSON. No; I couldn't get to solid ground.

Mr. AYER. When you get it filled in, it will be better, of course?

Mr. NELSON. Yes; but it hasn't settled yet.

Mr. AYER. Do you think there has been any good lumber, except by accident, ever covered up in that yard?

Mr. NELSON. No, sir.

Mr. AYER. Is there any lumber that could have been sold for any price in that dump?

Mr. NELSON. No, sir.

Mr. AYER. Those piles with ends sticking out, aren't they of any value?

Mr. NELSON. No, sir; it might look like lumber, but it never was merchantable lumber.

Mr. AYER. How often do you go through the yard and practically clean it up?

Mr. NELSON. I have men every day, but of course sometimes I don't have a chance.

Mr. AYER. Has the scarcity of labor anything to do with the yard getting in bad shape?

Mr. NELSON. Yes, sir. I had to work some of the white men 16 out of 24 hours; the Indians would not work that way. I then told the Indians to go through the trams and pick up the small pieces. I would have had them pick up all the No. 3, etc., and put them in the grades where they belong, but I could not get any men.

Mr. AYER. All this lumber across the river and on the higher bank is in good shape, is it?

Mr. NELSON. Yes, sir.

Mr. AYER. How much cleaner was the yard when I came here the other day than it usually is this season of the year?

Mr. NELSON. It wasn't any cleaner. There are always pieces dropping off now and then; but the mill is shut down now, and I have had a good opportunity to pick up. When the mill is running night and day I don't have so good an opportunity.

Mr. AYER. What percentage of the pine in this neighborhood will run C and better?

Mr. NELSON. I would say around 50 per cent.

Mr. AYERS. What per cent would run B and better?

Mr. NELSON. About 15 per cent.

Mr. AYER. How many thousand feet of miscuts have you made this year.

Mr. NELSON. About 160,000—one-half of 1 per cent.

Mr. AYER. How high have you ever known miscuts to run?

Mr. NELSON. From about 1 to 1½ per cent we figured on where I worked before.

Mr. AYER. Some of them have said that the machinery was out of order and that the last two plank would become destroyed and have to go into the lathe plant.

Mr. NELSON. No; the sawyer, Mr. Turney, who was on the night shift, told me his carriage was not working right and that the last pieces came over the slasher, but I didn't see anything of that kind done.

In 1910 we piled No. 3 hemlock where that lumber was buried, and it settled down 8 feet. Now, the evaporation from that hogfoot kept it continually moist; it wouldn't dry out, so I repiled it. When I got down to the water's edge, after picking out the best of it, the bottom boards were so rotten that they were worthless. So I said, "Leave it there and we will cover it up," instead of having it taken away for lathe.

6. ADAMS.

[Report of Mr. Edward E. Ayer's interview with Mr. Peter L. Adams, foreman of the mill at Menominee Indian Reservation, Neopit, Wis., Dec. 1, 1913.]

Mr. AYER. You are the foreman of the mill, aren't you?

Mr. ADAMS. Yes, sir.

Mr. AYER. Of course, no mill will do good work unless it is kept in order, will it?

Mr. ADAMS. No, sir.

Mr. AYER. Has it been in good order the last year, with the exception, of course, of things that would ordinarily occur?

Mr. ADAMS. Yes, sir.

Mr. AYER. How about the resaw?

Mr. ADAMS. We have what is acknowledged to be a good one, although it is not the kind I wanted.

Mr. AYER. But it has done good work, as a rule?

Mr. ADAMS. Yes, sir.

Mr. AYER. Now, there have been some complaints that on the last two plank the resaw would not take 6-inch stuff, but would only saw 4-inch stuff. Is that true?

Mr. ADAMS. Well, our resaw is an upright resaw. We have to take the slabs off until the first faces are clear. Now, in sawing with the big bends on the carriages those faces must be finished, and sometimes they go through the bark which is left on, and when thrown over to the resaw sometimes the bark drops off, and that makes a little variation in the resaw. I have cautioned my sawyers about it.

Mr. AYER. What is the usual percentage of badly sawed lumber in a place of this kind?

Mr. ADAMS. Well, I formerly worked for J. W. Wells. Mr. Wells is a man who has had 11 different mills. He is located at Menominee. He would never raise much of a fuss until my miscuts amounted to 2 per cent. In figuring up I find that here it is one-half of 1 per cent.

Mr. AYER. Have you had any trouble with any of your sawyers in the last six months?

Mr. ADAMS. Yes, I have; particularly with one.

Mr. AYER. Will you give me his name and the nature of the trouble?

Mr. ADAMS. His name is Grant (J. T.) Turney. The nature of the trouble is that he is a general disturber. This last season we have been short of men pretty much all the time, and never started a shift, night or day, where I had any assurance of having a full mill crew. Mr. Turney, seeing that I was in trouble, would make more trouble. He is a man who talks a great deal and has knocked me to others, declaring that I was incompetent. He stamped the setter off the carriage one morning about 4 o'clock, and was going to get another man, but the night foreman objected. The night foreman made him complete the shift. In the morning, on my way to work, I met the setter, and he told me the nature of the trouble. This setter was a man

that Turney took on as a carriage rider and developed him into a setter. This man said peremptorily that he would not wait for Turney any longer. This put me short of a setter, and I couldn't get another, and I put Turney's son on as setter. I think he wanted to get his son a job. However, Turney's son did as well as could be expected.

Mr. ADAMS. Another instance was where he had a rider who complained about his tools, his cant hook, etc., and he said, "If your cant hook don't suit you, throw it in the conveyor." If it had been thrown into the conveyor, it would simply have gone into the burner and disposed of it.

Another offense of his: He got sour at the blacksmith, who has to look over the carriages twice a day. The mill stops at 6.45 in the morning, and he has three-quarters of an hour to look them over; also an hour at noon. The carriage crew is supposed to let him know what is wrong. Turney got sour at the blacksmith; nothing he did was right. The dogs in our carriages are the ordinary ones that came with the mill—the Prescott dogs. These are all right in big timber, although in small timber they are, we find, inefficient. Very often they would have to make a second and third attempt to hold the log. This Turney blamed to the blacksmith. Along about the 4th of July the blacksmith got sick, and I had to look after things myself. I took a dog out and without any change put it into a block on the other side of the mill and run it for three weeks. The man on the other side did not complain.

Mr. AYER. How long did Mr. Turney work for the company as sawyer?

Mr. ADAMS. This was his third season.

Mr. AYER. Did he ever complain about the resaws before these last six months?

Mr. ADAMS. Occasionally.

Mr. AYER. Do you pay any attention to the percentages of lumber that comes out of the log? Are you in charge of that?

Mr. ADAMS. No; I have to look after the cutting in the mill, but not the sorting.

Mr. AYER. Was there any complaint that the finish of the log could not be sawed properly and was destroyed?

Mr. ADAMS. No; if there was it was when I wasn't noticing things. You understand that with my multitudinous duties I can't be on the saw floor all the time.

Mr. AYER. But it wasn't habitually that this happened, was it?

Mr. ADAMS. Oh, no.

Mr. AYER. This man is discharged, is he not (referring to Turney, the sawyer)?

Mr. ADAMS. Yes; I discharged him. He is now working at one of the camps. Now, in further testimony, Mr. Nicholson made an investigation, and his notes are in evidence. I also have the signed statement of the men who work in the same capacity as Mr. Turney in the mill, and who were there at the time, of the millwright and his helper, of the night foreman, and of the three other sawyers.

Mr. AYER. Will you have copies of these statements furnished me? Will you have Mr. Nicholson send them to me?

Mr. ADAMS. Yes, sir.

[P. L. Adams, mill superintendent.]

We whose names appear below use this means to contradict the statements made by Grant Turney to A. S. Nicholson and others.

A. That the machinery of the sawmill was allowed to run down to such an extent that good lumber could not be made with it.

B. That the men whose duties were to keep up the mill refused to respond to their calls, made by the signal whistle.

C. That Turney was discriminated against in the efficiency of the men assigned him for his work.

D. That the management of the mill suffered by comparison with that of other mills in this State during the season of 1913.

Signed by D. C. MOYER, *Sawyer*.

E. J. LAPORTE, *Sawyer*.

THEO. LAPORTE, *Sawyer*.

GEO. VASOLD, *Millwright*.

AXEL FOSSEN, *Oiler*.

OTTO GLASSOW, *Night Foreman*.

7. T. PRICKETT.

[Report of Mr. Edward E. Ayer's interview with Mr. Thomas Prickett, one of the committee appointed by the tribe, at Menominee Indian Reservation, Neopit, Wis., December 1, 1913.]

Mr. AYER. How long have you been connected with this plant?

Mr. PRICKETT. Ever since it was built.

Mr. AYER. Are you now working?

Mr. PRICKETT. No; not for the last two years.

Mr. AYER. Are you an Indian?

Mr. PRICKETT. Yes; not a full blood, but I am a member of the Menominee tribe.

Mr. AYER. Now, in a few words, tell me what is the matter. What do you suggest as the remedy?

Mr. PRICKETT. The log superintendent here was not competent to run our plant, that is Mr. Woodcock, who left here some time this spring or summer.

Mr. AYER. Was he discharged?

Mr. PRICKETT. No; he resigned last spring.

Mr. AYER. Who is in his place now?

Mr. PRICKETT. Brigham.

Mr. AYER. Have you had any experience with him?

Mr. PRICKETT. From all accounts, since he has been here he has attended to his business and I know he is trying to save money for the tribe. He is a gentleman. Now, if Mr. Woodcock got money for us we would all help him.

Mr. AYER. You are familiar with other loggings, in other sections of the country? Have you logged for private concerns?

Mr. PRICKETT. I worked at Merrill, Wis.

Mr. AYER. Is the lumbering done here on this reservation the last two years satisfactory?

Mr. PRICKETT. No, sir; it is not.

Mr. AYER. In what respect was the logging under Mr. Woodcock bad?

Mr. PRICKETT. When a man is superintendent of three or four camps he has no business in this office all the week. They hired men with no experience of sawing logs that would make good lumber.

(Here Mr. Prickett detailed an instance supposed to bear out this statement.)

At this point Mr. Ayer explained to Mr. Prickett how the plant had added to the funds at Washington, during the past two years, \$444,000; that there had undoubtedly been mistakes made in the woods and about the mill, and that our present duty here was to find out how important they were. Also that Mr. Ayer's expert had reported that the accounts were in good shape.

Mr. AYER. What is this attorney employed by you Indians for?

Mr. PRICKETT. Well, now, we Indians can come up here to Mr. Nicholson, but can not get information; but Mr. Tyrrell can come up here to Mr. Nicholson and he knows what we Indians want and can find out from Mr. Nicholson.

Mr. AYER. Don't you think the yard here to-day is in good, satisfactory condition?

Mr. PRICKETT. Yes; everything is clean.

Mr. AYER. Are the lumbering camps kept clean.

Mr. PRICKETT. I think they are.

Mr. AYER. You would be perfectly satisfied with Mr. Nicholson if they are making good money here?

Mr. PRICKETT. Yes, sir; perfectly satisfied.

7-A. PRICKETT TO TYRRELL.

[Copy of Mr. Thomas Prickett's letter to Mr. D. F. Tyrrell, dated Neopit, Wis., December 11, 1913, and sent to Mr. Tyrrell at Washington, D. C.]

Mr. D. F. TYRRELL, *Washington, D. C.*

MY DEAR TYRRELL: Inclosed herewith find typewritten copy with my own attached as per your request of December 9, last.

If I understand it correctly, you want me to answer the questions as I gave them at the time I had an interview with Mr. Ayer. You will note on the typewritten copy of pencil marks, which means are errors of the stenographer or Ayer.

Q. Was he discharged?—A. I did not know, he resigned to take another place. Understand he got bigger wages.

Q. Who is in his place now?—A. There is a man here now. I heard he was doing good work and trying to pick up all the logs that was left.

Q. Have you had any experience with him?—A. (Down to further line about Woodcock.) Now, if Mr. Woodcock made money for us we would like it, but he did not.

Q. What is this attorney employed by you Indians for?—A. I told him we could come to Nicholson and he'd turn us down, and we want him as our attorney during the investigation—the one that is coming.

Q. Don't you think the yard here to-day is in good, satisfactory condition?—A. (He also asked me if the yard was cleared every two weeks, and I answered No, for it never was cleared for two years; and could get 50 white employees to testify to this.)

Q. Are the lumbering camps kept clean?—A. I don't know.

Q. Are you familiar with other loggings, in other sections of the country. Have you logged for private concerns?—A. Worked for Mr. McCord, of Merrill, Wis., for 18 years. I estimated timber for him and bought on my estimation, and I put it in—that is, the timber.

There seems to be a question left out entirely, as I remember of putting it up to Mr. Ayer, explaining to him that there were too many men working both here at the mill and the camps. This is what Ayer leaves out of the report. Now, Mr. Tyrrell, these answers in response to the questions asked me are about as near as I can remember of answering; they do not differ very much, as shown on the report, only that there is a lot left out.

I am also sending you under separate cover the films you asked for, which goes forward in to-day's mail.

Very truly, yours,

(Signed) TOM PRICKETT.

7-B. PRICKETT.

[Report of Mr. Edward E. Ayer's second interview with Mr. Thomas Prickett, at Menominee Indian Reservation, Neopit, Wis., December 17, 1913.]

Mr. AYER. There has been a question come up about the money raised by the tribe here and given to attorneys. How much money has been raised for that purpose and given to attorneys?

Mr. PRICKETT. I have the book at the house; I couldn't say.

Mr. AYER. Will you furnish me a list of these names this afternoon?

Mr. PRICKETT. Yes, sir; certainly.

Mr. AYER. That money was sent to Mr. Ballinger in Washington or given to Mr. Tyrrell?

Mr. PRICKETT. No, sir.

Mr. AYER. Sent to Mr. Ballinger?

Mr. PRICKETT. Yes, sir; \$250.

Mr. AYER. You raised \$250 for Mr. Tyrrell?

Mr. PRICKETT. No, for Mr. Ballinger. We raised it for the investigation that is to come.

Mr. AYER. Did you expect, then, when the investigation was here, to have a lawyer come here?

Mr. PRICKETT. Yes, to conduct our affairs.

Mr. AYER. Had you been promised an investigation?

Mr. PRICKETT. I think the Indian Office appointed some joint committee to investigate all the reservations in the United States.

Mr. AYER. Who promised you?

Mr. PRICKETT. The department.

Mr. AYER. You were in the party that went in the woods?

Mr. PRICKETT. Yes, sir.

Mr. AYER. Had you been logging in the woods?

Mr. PRICKETT. No, sir.

Mr. AYER. For what purpose did you go?

Mr. PRICKETT. Well, there has been parties here that saw timber that Mr. Nemniz left lying here cut and I was ordered by the committee to see where the logs were.

Mr. AYER. Then there is a committee appointed by the tribe to look after these affairs?

Mr. PRICKETT. Yes, sir.

Mr. AYER. Who are the members of the committee?

Mr. PRICKETT. Mitchell Oshkenaniew, Louis La Frombois, and myself.

Mr. AYER. Just three of you?

Mr. PRICKETT. Yes.

Mr. AYER. Is Oshkenaniew still in good standing in that committee?

Mr. PRICKETT. I think so.

Mr. AYER. In regard to cleaning up the mill. They commenced cleaning up when the mill was shut down?

Mr. PRICKETT. I think so.

Mr. AYER. After they shut half they commenced to clean up?

Mr. PRICKETT. Yes, sir.

Mr. AYER. When all the mill was shut down they put on a greater force?

Mr. PRICKETT. Yes, sir.

Mr. AYER. Now, you say that all of this money that was raised here was sent to Mr. Ballinger?

Mr. PRICKETT. No, sir; Mr. Tyrrell; we had to pay his expenses.

Mr. AYER. When he came up?

Mr. PRICKETT. Yes, sir.

Mr. AYER. How much did you pay him?

Mr. PRICKETT. We paid him \$125.

Mr. AYER. The balance of the \$250?

Mr. PRICKETT. The balance was sent to Mr. Ballinger.

Mr. AYER. Do you know that La Frombois mortgaged his place and sent \$250 to Mr. Ballinger?

Mr. PRICKETT. No; I do not think so.

Mr. AYER. You never heard that he sent any?

Mr. PRICKETT. I think he did.

Mr. AYER. You have heard of it?

Mr. PRICKETT. Yes.

Mr. AYER. How much was that?

Mr. PRICKETT. That was \$250 that we raised for Mr. Ballinger.

Mr. AYER. Then you raised \$125 later for Mr. Tyrrell?

Mr. PRICKETT. Yes; for his expenses.

Mr. AYER. That money was raised by La Frombois, the \$250?

Mr. PRICKETT. Yes.

Mr. AYER. You do not know whether he mortgaged his place or not?

Mr. PRICKETT. No; he had no real estate to mortgage. He had friends and raised the money.

Mr. AYER. So that makes \$375 the tribe has raised altogether?

Mr. PRICKETT. Yes.

Mr. AYER. When was the money sent to Mr. Ballinger?

Mr. PRICKETT. Just before you came up the other time.

Mr. AYER. It has been supposed, Mr. Prickett, that a law firm of Tyrrell & Ballinger are attorneys before the Court of Claims for Mr. Cook in pressing his claim against the Menominee Indians before the Court of Claims. Is that true?

Mr. PRICKETT. I do not think it.

Mr. AYER. What reason have you for not thinking that Mr. Tyrrell and Mr. Ballinger represent Mr. Cook in his claim for \$32,000 and \$100,000 damages before the Court of Claims in Washington?

Mr. PRICKETT. This: Tyrrell would not accept his claim because it was turned down here before they took up them other cases. That is how I came to know it.

Mr. AYER. Has Tyrrell told you or any Indians in your presence that he had nothing to do with it?

Mr. PRICKETT. Yes, sir; he said so.

Mr. AYER. He told the Indians so in your presence?

Mr. PRICKETT. Yes, sir.

Mr. AYER. Do you think he is attorney of some of the Indian claims on the same job?

Mr. PRICKETT. Yes, sir.

Mr. AYER. You feel very sure that Mr. Tyrrell and Mr. Ballinger have nothing to do with the Cook claim before the court in Washington?

Mr. PRICKETT. Yes, sir. I am sure.

8. LA FRAMBOIS.

[Report of Mr. Edward E. Ayer's interview with Mr. Louis La Frambois, at Menominee Indian Reservation, Neopit, Wis., December 1, 1913.]

Mr. AYER. I have come up here, and I find a great deal of dissatisfaction. Now, what's the matter with you?

LA FRAMBOIS. Mr. Ayer, I came here a few months before Mr. Nicholson. At one time there was an engineer here, who was discharged. This Indian who was discharged wanted me to write Senator La Follette, and in my letter I told the Senator

that some of the people here were well capable of being camp foremen. I told him I was also a good fireman; that I could go into any plant as a good scientific fireman.

Here Mr. La Frambois presented a copy of Mr. Nicholson's report against him.

Mr. AYER. I want to find out what you know about this place. You have worked around here for three years?

LA FRAMBOIS. Yes.

Mr. AYER. Have you worked in other mills?

LA FRAMBOIS. Yes, sir.

Mr. AYER. Are you familiar with the conditions in other mills, with the dirt around the mills, etc.? How does this compare in cleanliness around the town, in the camps, in the planing mill, around the yard, in the warehouse, etc., with other mills?

LA FRAMBOIS. I have been here since the lumber began to be piled, and it was never clean until this fall.

Mr. AYER. Do you consider the breakage around here excessive?

LA FRAMBOIS. Yes, I do.

Mr. AYER. Now, around the mills and the supply department, isn't it as clean as you usually find?

LA FRAMBOIS. Yes, sir; they are in good shape.

Mr. AYER. Do you know how many Indians have been employed here during the past year?

LA FRAMBOIS. No.

Mr. AYER. 271 have been employed permanently by the mill every day of the year, on the average. Don't you think this was a good portion of the 480 able-bodied men in the tribe?

LA FRAMBOIS. They could have got more. We have had men here who were as good carriage riders as white men, but they could not see any prospect of advancement and so they quit.

Mr. AYER. What were they getting?

LA FRAMBOIS. \$2.25 a day.

Mr. AYER. Do you think it was wise for them to throw up a job when they were getting this salary? \$60 a month?

LA FRAMBOIS. Well, Mr. Ayer, carriage riding is very hard work, and when they saw they could not be advanced they simply quit and went at other work.

Mr. AYER. Have you any other grievance yourself, personally?

Mr. LAFRAMBOIS. No. My grievance is that I am a good fireman and I have had a lot of experience.

Mr. AYER. Well, did you ever quit a job because they would not make you an engineer?

Mr. LAFRAMBOIS. No; I did not.

Mr. AYER. And still you think these men who quit had a grievance? Don't you know that this is a business proposition here, that they have to make this mill pay?

Mr. LAFRAMBOIS. Mr. Ayer, when I came here my ambition was to become an engineer, but I feel that I never could. I wanted to be, in my old age, an engineer and take care of everything. I know I could learn these things, but I never get a chance. My future is going to look just as black as the blackest depths of Hell just as long as I stay here and there is no change. My wife likes this place here, but if this man stays here I am going to break up my happy home and go away.

Mr. AYER. How many children have you?

Mr. LAFRAMBOIS. I have seven children.

Here Mr. Ayer advised LaFrambois not to carry out his intention, to alter his point of view, telling him never to quit a job until he had another, and never to refuse a job.

Mr. LAFRAMBOIS. I have been a woodsman for 20 years and yet a man comes here for 20 minutes and tells me I don't know anything about it.

And I want you to put this down, too—that I have been a citizen of the United States and voting for 21 years.

8-A. LA FRAMBOIS TO TYRRELL.

[Copy of letter from Mr. Louis D. LaFrambois to Mr. D. F. Tyrrell, attorney, dated Neopit, Wis., December, 1913.]

NEOPIT, WIS., December, 1913.

MR. D. F. TYRRELL,

SIR: I find in the interview with Mr. Ayer on December 1, 1913, are not as I worded the facts to him. I suppose it is due to the fact he had so much to do in such a short space of time, he also failed to take anything that might be damaging to Mr. Nicholson. I do not understand how this can be, as Mr. Ayer assured me he was my friend. I am

not saying he is not my friend, but he is not a lover of fair play. I did not tell Mr. Ayer that I wrote to Mr. LaFollette and told him I was a scientific fireman. I told Mr. Ayer himself that I had done scientific firing—that is the way us firemen term it when we test coal.

He failed to state that I showed him recommendations from very reliable people to show that I had been a lumberman for over 20 years, also a letter to show I was chief fireman for the Menominee River Sugar Co. at one time. Now the Menominee sugar-beet factory is one of the largest of its kind in the world. He also failed to say anything in regard to Mr. Nicholson's report against me. It showed Mr. Ayer very plain that Mr. Nicholson's report was a pure fabrication manufactured to suit his own purpose. I also told Mr. Ayer I did not quit the sugar factory because they did not make me chief engineer for the simple reason the Menominee River sugar factory is not owned by the Menominee Indians, they were not obliged to make me an engineer; but this plant here at Neopit was built here to educate us, but the opportunities to learn are denied us. I did not tell Mr. Ayer I was going to break up my home, but I told him this, if Mr. Nicholson stays here, a lot of us Indians will have to leave the reservation; my wife likes it very well here and that he, Mr. Nicholson, might be the cause of breaking up our happy home.

I said, Mr. Ayer, do you know that Dr. Dixon made a statement at Green Bay, Wis., to the effect that he found the Indians actually starving on some of the reservations? Mr. Ayer said he did not read the statement. Well, I said, such conditions exist right on this reservation, that a lot of Indians might die of starvation if Mr. Nicholson stayed any longer.

Now we will come to the engineering question. Mr. Ayer told me a man had to be a machinist before he could become an engineer. I told him I was no mechanic but this plant being built here for the Indians I thought they ought to overlook a few things and give me a chance, as we had a very good mechanic here in the shop who could help me. I then told him of my family, how I loved my little ones just as he did his; that if I got a position that paid fair wages I could take better care of my little ones; that I was getting along in years and felt that I was entitled to it.

Question. Mr. Ayer, I have showed you that I am a lumberman, have been one for over 20 years.

Answer. You have showed me you are a first lumberman; also, a first-class fireman.

I've showed you I have been a lumberman for 20 years. Now, there is men who will come here who are not able to show and can not show to-day where they have been lumbermen for 20 minutes before coming here; yet those men will tell me I do not know what I am talking about.

Now, when those logging cars were first brought here, I helped to put them together. It did not require skilled labor. There was two of us engaged in the work. The only difference between us was this: I was a better man than he was—meaning the man I was working with. He got \$2 per day, while I got \$1.50 per day doing the same work.

Mr. Ayer did not like this kind of treatment, and he asked if this was done under the present administration. I told him it was under Mr. Nicholson's administration. This was omitted. How about the lumber yard? I told him I was sure the yard never was cleaned till this fall and told him I could swear to that. I told I could get other men here who would also swear to the same thing. Mr. Ayer said I will take your word for it.

This is what took place to the best of my knowledge.

I will say, further, that the men who are employed here as engineers are not machinists by any means. I know, myself, that this man Bently, who is running the big engine here in the mill, was carrying wrenches for a steam fitter when this mill was built. Now, if I was an engineer, I do not think I would be around helping a steam fitter for a couple dollars per day when I could be running an engine somewhere for twice as much money than what he was getting; but, you see, if an Indian asks for such jobs, he has to be a very competent man or he don't get the job.

Now, concerning the woods work, here is where we are the heavy losers. I am one man that would not be a camp foreman under the present administration, because those people does not know how to log. Their method of logging is very expensive. I believe I could go up here to Camp No. 18 and save this tribe of Indians anywhere from one to five thousand dollars just in this winter's work. I am not talking for a job as logging superintendent; but I say if I was logging superintendent I could do that and do it easy.

Now, there is a man here who was riding carriage here in the mill. He is a Frenchman. Now, the sawyer is a Frenchman also. This carriage rider buys this sawyer a \$5 hat to let him set for him. What is the result? He gets the job, not because he is capable, but because he buys this \$5 hat. This is just to show how much

chance an Indian has here. I told Mr. Ayer I was a voter and had been for 22 years, and not 21 years, as he has it. This was to show we are not all ignorant savages as we are sometimes painted.

LOUIS D. LA FROMBOIS.

8-B. LA FRAMBOIS.

[Copy of letter from Mr. Louis La Frombois to Mr. Edward E. Ayer, dated Neopit, Wis., December 17, 1913.]

NEOPIT, December 17, 1913.

EDWARD E. AYER,
Chicago, Ill.

DEAR SIR: Just received your letter of recent date, stating you was in receipt of a letter telling you I had mortgaged some property in Marinette to raise \$200 to send to Mr. Ballinger at Washington, D. C. It seems you want to protect my interests, does it not? Mr. Ayer, I told you once before I had a lot of respect for old age, and I tell you again. Now, Mr. Ayer, don't you think it would have been better if you had looked up records and find out those things before you said anything about it? Mr. Ayer, you made a statement at Keshena that I had mortgaged property to raise money to send to Mr. Ballinger. Now you did me a great injustice for saying things you absolutely knew nothing about.

I gave you my hand when you told me you was my friend, but you have proven it to my entire satisfaction you are not my friend. Now, if you are my friend please let me know who wrote you such a letter. If you want to be my friend and want to protect my interests, have this man Nicholson removed at once. Then we will think you are the grandest old man that ever lived.

Respectfully yours,

LOUIS D. LA FROMBOIS,
Neopit, Wis.

9. TURNEY.

[Report of Mr. Edward E. Ayer's interview with Mr. T. J. Turney, sawyer, at Menominee Indian Reservation, Neopit, Wis., November 30, 1913.]

Mr. Turney was presented to Mr. Ayer by Mr. D. F. Tirrell, an attorney, and was interviewed in the presence of Mr. Tirrell.

MR. AYER. Are you working at the mill now?

MR. TURNEY. No; I am in the woods now. I used to be the head sawyer until the 4th of October.

MR. AYER. Mr. Turney, I wish you would outline, in a general way, what you think is the trouble around here.

MR. TURNEY. The principal trouble has been with the mill, that there has been nobody looking after it. We would try our best to get anything that went wrong in the mill fixed, but without success. Now, one time our lubricator went wrong, and I called the millwright's attention to it, but at 10.45 they went out to dinner without replying. I found Mr. Adams then and told him my trouble, but still nothing was done between that time and noon, and so I cut only 500, and I should have cut somewhere from eight to nine thousand. Another thing that has been wrong is the resaw. A resaw is supposed to cut rough stock. Now, the way this one is fixed it splits in the center. You have to take off the slab and the 2-inch board and the 2-inch plank. They have been experimenting with this resaw ever since I have been here, and I guess they always will be.

MR. AYER. Now, in regard to this resaw, and this breaking down, how long have you sawed in this mill?

MR. TURNEY. Four years the latter part of this winter.

MR. AYER. Has this occurred before: that is, the breakdowns not attended to promptly?

MR. TURNEY. Yes; and the entire force of millwrights after 10.45 do not pretend to do anything; they get ready to go to dinner. The proper way is to go at 11 and leave the mill running alone until they get back again.

MR. AYER. What time do they return?

MR. TURNEY. Well, they generally go down to the blacksmith shop and sit around until the 12 o'clock whistle blows, and then they go into the mill.

MR. AYER. Then between 11 and 12 there are not any millwrights in the mill?

Mr. TURNEY. No.

Mr. TURNEY. Last fall when they shut down the lumber was being spoiled. Mr. Adams sent to Prescott's to get a man to fix the set works. So we got a man down here to repair them. When he came he found that Mr. Adams had removed what he considered the king pin of the set works, what he calls the cushion. Mr. Adams told me to go with this man and watch him to see that the set works were fixed. A fellow stayed here about four days, and all he had to do was to put back on what they had taken off.

Mr. AYER. Did they then work all right?

Mr. TURNEY. Yes.

Mr. AYER. How long had they been running badly?

Mr. TURNEY. A full season—a year.

Just before we shut down for the Fourth of July Mr. Adams notified me that the sawyers would not do any repairing. So consequently we kept away from the mill for 10 days, and when we came back we found the carriage in the most ridiculous shape, and consequently we couldn't move a truck on the carriage. Well, after we got the carriage adjusted we found the head blocks were 1½ inches away from the saws. The dogs here have never been taken care of. One would get bent, and they would come out and bend it back cold, which would make it like a letter S. Mr. Adams let this go eight days one time before this was fixed at all.

It would be safe to say that 60 per cent of the last two plank went on the slabs to the slasher, and whether they were cut for lath or went to the burner I don't know.

To go back to the resaw. This can do nothing but split in the center. Now, if we had a bill for 3 by 5s, 3 by 8s, or 3 by 12s, this resaw is supposed to cut up anything from 14 inches down, but you can not cut 3-inch.

Mr. AYER. That is the fault of the type of resaw that they have.

Mr. TURNEY. No. It is the fault of the remodeling that Mr. Adams did.

10. LA PORTE BROTHERS.

[Report of Mr. Edward E. Ayer's interview with Mr. Theo. La Porte and Mr. Ed. La Porte, sawyers, Menominee Indian Reservation, Neopit, Wis., Dec. 1, 1913. Mr. Theo. La Porte speaking, and expressing the views of both.]

Mr. AYER. Are you connected with the mill?

THEO. LA PORTE. Yes, sir; I am one of the sawyers.

Mr. AYER. What has been the general condition of the mill for the past year as far as its adaptability to saw good lumber and everything of that kind?

THEO. LA PORTE. Well, sir, in general I think the conditions of the mill have been up to the standard, and, as to the mill manufacturing lumber as other mills, I think it has been as good as any of them.

Mr. AYER. Which side have you sawed on? Who was your other sawyer?

THEO. LA PORTE. D. C. Moyer.

Mr. AYER. Does he feel about the same as you do?

THEO. LA PORTE. Yes, sir.

Mr. AYER. Do you think if any bad lumber comes through that the machinery of the mill has been to blame?

THEO. LA PORTE. That's just about the way it has been. The machinery has been out of order, but just for a short time.

Mr. AYER. And when you reported anything wrong with the carriage or dogs or anything it has been attended to in a reasonable time?

THEO. LA PORTE. Yes, sir.

Mr. AYER. Do you pay any attention to the grade of lumber that comes out of certain logs?

THEO. LA PORTE. Yes, sir; we do; that is our business.

Mr. AYER. Now, in sawing a log of, say, 500 feet, what would it make?

THEO. LA PORTE. Well, it isn't our business so much to figure out what the log will make, but to go after the grades.

Mr. AYER. Well, what percentage of, say, B and A boards do you get out of a white pine log?

THEO. LA PORTE. Probably one-third, of the higher grades.

Mr. AYER. Are there any logs here that will run more than one-third of the two best grades—B and up?

THEO. LA PORTE. Well, sometimes we can cut as low down as D—select and better.

Mr. AYER. But, taking 150 of the best logs that come out, the average would be how much?

THEO. LA PORTE. I think we ought to get on an average, right straight through, 25 per cent of D and better.

MR. AYER. Would there be very much culls?

THEO. LA PORTE. Why, no; very few.

MR. AYER. Did you have any difficulty the last six months before you shut down?

THEO. LA PORTE. No, sir.

MR. AYER. The machinery was satisfactory and everything attended to at the proper time?

THEO. LA PORTE. Yes, sir.

MR. AYER. And you have run opposite Mr. Turney for his last six months in the mill, and you find his machinery was all right and everything, and that there was nothing the matter on account of the mill being inadequate?

THEO. LA PORTE. Oh, no, sir [meaning the mill was not inadequate].

11. KINNEY'S REPORT.

[Supplementary report of Mr. J. P. Kinney, supervisor of forests, in the employ of United States Government, dated Dec. 10, 1913.]

DECEMBER 10, 1913.

MY DEAR MR. AYER: In my report of December 5, 1913, to you, regarding the lumbering operation conducted by the Indian Service at Neopit, on the Menominee Indian Reservation in Wisconsin, I gave you in detail the most faithful word picture that I could of the conditions as I actually found them during an investigation extending over the four days November 29 to December 2, 1913, inclusive. I thought it advisable to put into permanent form a statement of the facts as presented to us by the Indians and purposely avoided an expression of my personal opinions upon the situation, except so far as was necessary in order to give you a clear view of the "setting" of particular occurrences in the woods and of the general impression which, as it seemed to me, those occurrences would make upon anyone. That is, I aimed to confine myself as much as possible to the function of a witness and to present facts from which you could draw conclusions. In compliance with your subsequent request, I shall now express briefly my own conclusions as to what I found at Neopit. I shall discuss the woods end of the operation chiefly, for I have as yet had but limited opportunity to investigate conditions at the mill and I know that you were able to make a personal examination of conditions in the mill and lumber yard.

Prior to the autumn of 1910 all logging under the act of March 28, 1908 (35 Stat. L., 511), had been conducted in the area west of Neopit along the branch line of the Wisconsin Northern Railroad and in a small area near the main line of this railroad at the southern border of the reservation.

The year 1910 was one of exceptional drought and severe forest fires. In the late summer or autumn of that year a fire burned about 50,000,000 feet of timber in parts of sections 24 and 36 of township 30 north, range 14 east, and sections 19, 20, 29, 30, and 31 of township 30 north, range 14 east. The larger part of this timber was white pine. It was, of course, recognized that the worms would seriously injure this timber if it were not logged within two years. Very late in the fall of 1910 work was begun on a logging railroad which connected with the Wisconsin Northern near the center of section 33, township 30 north, range 14 east, and extended in an easterly direction to the burned area.

Logging operations during the following two years were confined almost exclusively to the timber which had been burned. In the fall of 1910 three camps, 11, 12A, and 14, were built in the burned district. These camps directed their efforts chiefly toward the saving of the white pine which had been burned. Over 15,000,000 feet of pine were cut and decked. As soon as the railroad could be completed in the spring of 1911 the hauling of these logs to the mill began. Fortunately no fire occurred in the summer of 1911, and the burned pine was brought to the mill and manufactured at a satisfactory profit.

The only really serious waste of timber in the woods to which our attention was directed consisted of the white and Norway pine logs, which were not taken out from a part of the area logged in 1910-11. As I have said in my report of December 5, the leaving of white pine logs of the quality which we found seems entirely inexcusable, but when consideration is given to the very unusual conditions which existed there at the time, it is easy to understand how the superintendent of logging then in charge might have become somewhat indifferent to the aim of clean logging, his effort being to make every stroke of work count in the accomplishment of the big things in hand.

I do not wish to be understood as condoning or palliating the failure of the management to pick up valuable pine logs lying near the railroads and sleigh roads, but I am presenting the above facts as a reasonable explanation of why results were as we found them. It must be admitted that Mr. C. H. Woodcock, the superintendent of logging, worked with tremendous energy and that whatever his faults and mistakes may have been, he succeeded in bringing the logs from the Evergreen district to the Menominee mills at Neopit at an exceptionally low figure. The cost of logs in the pond at Neopit, cut during the year 1910 to 1912, inclusive, in the Evergreen district, was from \$1 to \$2 less than the cost of logs under similar conditions at other mills in Wisconsin.

The greater portion of the timber cut in 1911-12 consisted of hemlock (22,000,000 feet). The leaving of burned hemlock uncut within the area of logging operations of 1910-11 and 1911-12 was pointed out by the Indians as particularly representative of mismanagement. As I have observed in my report of December 5, the hemlock market in the autumn of 1910 gave promise of a margin of only 66 cents per thousand in the manufacture of hemlock lumber and this \$0.66 must cover both stumpage and profit on hemlock sold during the period October 1, 1911, to September 30, 1912, was only \$1.56. The cost of manufacturing this lumber was not above the average cost at other mills of the same grade in the State of Wisconsin. Clearly the management made no mistake in devoting its chief energies toward the saving of pine rather than hemlock, and the enormous loss which has been alleged, through the leaving of the less accessible hemlock and that of poorer quality never, in fact, occurred.

The cedar cut by Paul Tebeau and left in the woods was within the logging area of 1911-12. This operation looks bad. The loss in stumpage value there was not serious, but the amount expended by the mills in "staking" the Indian contractor, Tebeau, in this fizzling attempt to cut and land cedar was a clear loss. It is hard to fix responsibility in such a case as this. I don't feel that it is just to criticize Mr. Nicholson too harshly for disastrous results which flowed from an attempt on his part to encourage an Indian in industry.

Aside from the leaving of pine, hemlock, and cedar in 1910-11 and 1911-12, no evidence of waste or mismanagement of any serious consequence was presented, except the leaving of unpeeled pine logs in the woods during the summer of 1913 from the square timber operation and other cutting of 1912-13. The number of such logs was not large. I should judge the whole amount thus left would not exceed 20,000 feet. At a stumpage of \$11 per thousand, this timber has a value of \$220. Even if these logs be given a stumpage value double this amount the value is not of great relative importance in connection with a lumbering plant logging 30,000,000 feet a year. I have no hesitation in asserting that the stumpage value of these particular logs for sawing into timber at Neopit, or at any other mill, was less than \$20 per thousand. For the sake of argument, let us put the value at \$20 per thousand. This gives a value of \$400 to all that was left. The depreciation could not possibly be placed above 10 per cent, or \$40. Is not this a mere bagatelle compared with the loss of time and cash which have been expended by the Indians in an unwise and misdirected attempt to make the little hill of nonfeasance appear a mountain of malfeasance?

I am sincerely thankful that the Indians observed the mistake that had been made and that they desire to direct attention to it. I can not escape the conviction that if all of them had been perfectly honest and possessed of a really helpful public spirit the matter would have been reported to Supt. Nicholson and probably corrected. And it is but just that I should say that, in my opinion, more things of this character would be reported to Mr. Nicholson if his attitude toward the Indians and his employees were less reserved. If Mr. Nicholson were more approachable, possibly there would be less tendency on the part of the Indians to confide their imperfect knowledge and fancied wrongs to persons having a limited and biased perspective of affairs upon the reservation.

When sifted, the charges of waste and loss in connection with the cutting of white-pine and rock-elm timbers were found to be of little substance. The slabs taken from the pine timbers had been paid for. An exceptionally high price had been received for the pine taken. No man with any accurate knowledge of the market value of white-pine and rock-elm timber in Wisconsin would think of charging that the Indians were suffering a loss through the sale of the hewn white pine and rock elm.

During the 13 months from September 1, 1911, to September 30, 1912, the Menominee Indian mills sold 11,717,870 feet of white pine at an average price of \$24.62 per thousand. I believe it fair to assume that substantially representative quantities of the different grades that the Menominee white pine will cut out were included in the amount then sold. That was the year when the large cut of pine made in 1910-11 was sold. The average cost of all lumber loaded in the car for shipment,

without stumpage, was shown by the Neopit books for the year ending September 30, 1912, to be \$9.72 without stumpage. This shows \$14.90 for stumpage and profit combined. The cost of manufacturing pine is somewhat less than the average for all species. Let us assume that the cost of manufacturing pine was only \$9. This would leave \$15.62 for stumpage and profit. The prices of white pine in general have not advanced since September 30, 1912. White pine B, select and better, is quoted to-day by the standard Minneapolis price list at \$72 per thousand for 2-inch stock. Very small quantities may be obtained by careful selection which will bring as high as \$85 when sawn in especially thick plank. However, the greater part of the higher grade output of mills manufacturing northern white pine is sold as C select and better. The highest quotation on this is \$65 per thousand for 2-inch stock. Now, the sort of timber which is taken by Mr. Kemnitz under his hewn-timber contracts would not saw out more than 30 per cent of C select and better. The other 70 per cent would fall into lower grades and part of it would need to be sold in the form of sawn lumber for as low as \$35, or even \$25, per thousand. As the timber which was cut by Mr. Kemnitz in the spring of 1913 was sold at \$70 per thousand stumpage for all he took, including the slabs which he hewed off, I am at a loss to understand how anyone with ordinary intelligence and sincerity of purpose can assert that the Indians suffered a loss because this pine was not brought to the mill and manufactured. Should it be suggested that the pine could have been cut into logs and sold for manufacture outside the reservation, I venture to assert that the logs which Kemnitz took in 16-foot lengths on cars could not have been sold for \$35 per thousand, or one-half what was received for them without the cost of logging. Furthermore, the logging could not be done on this timber as cheaply as on the pine logged in 1910-11.

Let us discuss rock elm for a moment. The mill run value of the rock elm sawn into lumber and sold at Neopit in the fiscal year 1912-13 was \$18.84 per thousand. The average cost of manufacture during that period was \$10.16. Over two-thirds of the entire cut was hemlock, and the cost of manufacture on rock elm alone was probably at least \$11.50 per thousand. This leaves \$7.34 for both stumpage and profit. Careful computation at Neopit has shown that the sale value of 1,000 feet board measure rock elm at 47 cents per cubic foot of hewn timber is \$31.82. If we deduct from this \$31.82, a charge of \$2 to help wipe out the book charge for railroad construction, overhead expense, etc., which must be met by all stumpage cut on the reservation, we have \$29.82 as the actual amount per thousand realized for stumpage and profit on rock elm sold for hewn export timbers. That is, the net amount realized per thousand on the elm used for hewn timber is more than \$20 per thousand higher than the amount which can be realized through the manufacture of the same timber into lumber.

Very respectfully,

J. P. KINNEY, *Supervisor of Forests.*

HON. E. E. AYER,
Railway Exchange Building, Chicago, Ill.

11-A. KINNEY'S SUMMARY.

[Supplementary report of Mr. J. P. Kinney, supervisor of forests, in the employ of United States Government, dated Dec. 16, 1913.]

Answering Mr. Edward E. Ayer's question in letter of December 8, 1913, "What percentage of the merchantable timber left in the woods in the last three years will still be able to be taken to the mill?"

DECEMBER 16, 1913.

MY DEAR MR. AYER: Your letter of December 8 was forwarded to me from Washington and received yesterday.

The total amount of logs left in the woods at Neopit during the past three years, which came to my attention, would not exceed 100,000 feet. I should say that at least two-thirds of this timber can be brought to the mill so as to realize a profit upon it. Thus, the actual amount of those logs that can not profitably be saved will be 25,000 to 30,000 feet board measure.

There were doubtless some logs left which I did not see, but as we covered a large part of the operations of the last three years, and traveled over large areas where all logs were picked up at the time of the original logging, I feel that we saw nearly all of the waste.

The amount of fire-killed hemlock left standing which will not be logged this year and which could have been handled at an advantage from the camps previously established would not in my judgment exceed 250,000 feet.

Respectfully,

J. P. KINNEY, *Supervisor of Forests.*

Hon. E. E. AYER.

Chicago, Ill.

11-B. KINNEY'S REPORT.

[Copy of report of Mr. J. P. Kinney, supervisor of forests, in the employ of the United States Government, dated Dec., 5, 1913.]

DECEMBER 5, 1913.

Hon. EDWARD E. AYER.

Member of Board of Indian Commissioners,

Railway Exchange, Chicago.

MY DEAR MR. AYER: I submit a report upon my examination of logging conditions on the Menominee Indian Reservation, in accordance with your request and the instructions of the Commissioner of Indian Affairs.

I reached Neopit on the morning of Saturday, November 29, 1913, and after being introduced to you by Superintendent Nicholson, left immediately for the woods on a logging train. The party with which I spent the day consisted of the following persons:

Mr. Philip Smith.

Mr. L. P. Holland.

Mr. D. F. Tyrrell.

Mr. A. S. Nicholson, superintendent of the reservation.

Mr. Ernest J. Brigham, superintendent of logging on the reservation.

Mr. Lincoln Crowell, deputy supervisor of forests on the reservation.

Mr. Louis La Frombois, an enrolled Menominee Indian.

Mr. Reginald Oshkosh, an enrolled Menominee Indian.

Mr. Simon Beaupre, an enrolled Menominee Indian.

Mr. Adolph Amour, an enrolled Menominee Indian.

Mr. Paul Tebeau, an enrolled Menominee Indian.

Mr. Thomas Prickett, an enrolled Menominee Indian.

Mr. Robert Sanapaw, an enrolled Menominee Indian.

Mr. Mitchell Waukaw, an enrolled Menominee Indian.

Mr. Joseph Longley, an enrolled Menominee Indian.

Mr. Mitchell Komanekin, an enrolled Menominee Indian.

Mr. J. P. Kinney.

The logging train was placed at the disposal of the Indians in order that they might have the fullest freedom to show us the things of which they had complained. Mr. D. F. Tyrrell, who told me his home was in Gillette, Wis., and that he practiced law there, appeared deeply interested in the examination of the works, and apparently had held previous conferences with the Indians as to matters complained of. He said he had been upon the reservation before and had been over a large part of the past operations. So far as I know, Mr. Tyrrell was in no way the accredited representative to the Indians, and was upon the reservation by the courtesy of the superintendent; but as he manifested such interest in the matters which the Indians desired to bring to our attention, the greatest deference was shown to him in the way of an investigation of every instance of mismanagement or waste which he himself offered to show.

The logging train first ran into a spur on section 17, T. 29 N., R. 14 E., halfway to camp 12 from Neopit. Here Louis La Frombois and Mr. Tyrrell took the lead in criticism of the manner in which logging was being conducted and as to the deterioration which had occurred in three white-pine logs that had been cut last spring or summer and had not been skidded until recently. These logs had not been peeled and the worms had worked in them. There was a difference of opinion as to the amount of damage that had been done. I asked that one log be scaled full and then scaled inside of the sap. Its full scale was 370 feet; the scale inside of sap, 280 feet, a difference of 90 feet. Some of the Indians and Mr. Tyrrell insisted all of the sap was practically worthless as compared with the value it would have had if it had not summered on the ground. There can be no doubt that the logs had deteriorated to some extent. They should have been peeled. The explanation by Mr. Nicholson that they knew they would get the logs this winter was not satisfactory. These logs were within 2 miles of Neopit; either the trees should not have been cut or else

such supervision should have been exercised that they would not have been overlooked and allowed to lie through the summer, especially with the bark on.

The objection to the manner of logging was that logs which had been decked this autumn a short distance from the railroad spur should have been left on the ground and skidded directly to the track when hauling began or skidded to the track and decked there at first. Mr. La Frombois and Mr. Tyrrell declared that there would now be a double decking expense, because the logs would be sleigh-hauled to the track and decked again. The distance to the nearest deck of logs was found by Mr. Crowell to be 75 paces, or 150 steps, about 400 feet. Obviously this was a very short sleigh haul if the logs were to be again decked.

To a query whether he intended to deck these logs again Mr. Brigham replied: "Certainly not; we shall load directly to the cars from the sleighs." When pressed as to what objection they had in view of this, Mr. Tyrrell and the Indians refused to accept Brigham's statement and said it had been customary on the Neopit operation to do the duplicate decking of which they complained. Although Mr. Nicholson said it had not been the custom, the Indians insisted it had, and I asked them to take us to some place where this had been done. They eagerly agreed to do this, dependence being placed upon Samuel La Frombois to take us to one of the flagrant errors in this line. When we boarded the train, Samuel took us to the site of a large landing used at camp 15 in the season of 1912-13 and declared this to be a place which showed the condemned practice. This was in the NW. SW. of section 10, 29, 14. Careful questioning developed the fact that Samuel had himself skidded at this old landing and that what he objected to was the unnecessary expense which had been incurred through skidding the logs for a long distance directly to the track instead of decking them where found and later sleigh-hauling to the track. That is, this landing showed exactly the opposite of what was required as evidence of the statements made by the Indians at the landing first visited.

I am sure every man present realized fully when we left this place that the evidence which had been offered disproved the previous allegations. I wish to make it clear that I do not believe Samuel La Frombois had any purpose to deceive. He had simply misunderstood the situation, and in their eagerness to find proof of their statements the others had not sufficiently inquired into that which he expected to show. Nothing further was offered through that day or on the two following days to show that the Indians had suffered any loss through mistaken judgment on the part of the present or the former superintendent of logging or any camp foreman in the decking of logs.

The Indians took us to a stick of hewn white pine timber which had not been taken from the woods. This timber had been hewn under the Louis W. Kennitz contract for ship timber. The stump measured 31 inches in diameter. The stick was not fully squared but had many waney corners. The butt end measured 25 inches from face to face each way and 31 inches across from each waney corner to the diagonally opposite one. The stick was 38 feet long and the top measured 23½ inches from face to face one way, 24 inches the other way, and 26 inches from one wane corner to another. It was submitted as an exhibit of the great loss which the Indians were suffering through the wasteful hewing and the leaving of timber by Kennitz. The stick bore the number 187 and other score marks which Mr. Crowell said were the private marks of Kennitz. Mr. Crowell said the stick had been scaled, and Mr. Nicholson told me it had been paid for. Since you left Neopit I have taken great pains to ascertain whether this stick was actually scaled and paid for. I am forced to the conclusion that Mr. Nicholson was mistaken. I find that Charles Duquaine, a Menominee Indian, who was scaler at Camp 15 last year, declined to scale waney boards pine timber on the excuse that he did not understand how, and that Thomas Smith, a white man, who was scaler at Camp 14, came down to Camp 15 to scale the pine timbers as they were loaded out by Kennitz. Under this system the stick would not be scaled unless Smith went to the woods and found it, and as this was not his duty there is little reason to believe that it was scaled. I had Mr. Smith interviewed, and he said he did not remember getting the scale of any stick at Camp 15 that was not loaded out.

We found another white pine tree which had evidently been cut by Kennitz and had been left because it was not suitable for hewn timber. It had been peeled, was a large tree and Mr. Prickett said he had previously scaled it and found it to be 38 feet long and to contain 1,430 board feet. I should judge these figures about right.

At Camp 15 on the northwest quarter of 16-29-14 we found several dry pine logs rolled up for cutting into firewood, which contained some merchantable timber. This was bitterly denounced. We were all agreed that some fairly good lumber could be made from two or three of the logs. They had all come from one tree. Dan Hurley,

the foreman of this camp, said he had gone some distance to get this, dry wood being uncommon in that locality. There certainly were extenuating circumstances. Mr. Reginald Oshkosh said it had always been customary to use pine of this quality or better at Indian logging camps. A certain amount of dry pine is necessary for building fires and cooking. I believe a mistake had been made, but it was clearly not a matter which merited the prominence given it. Mr. Tyrrell made particular objection to the quality of hardwood which had been hauled in for wood. His remarks were, in my opinion, unwarranted. A cook can not be expected to use wet or rotten wood when preparing meals for 60 or 75 men three times a day.

On the NW. $\frac{1}{4}$ SE. $\frac{1}{4}$ of section 10-29-14, we found quite a number of pine logs left and one whole pine tree which had not been cut into logs. These had been peeled. On the SW. $\frac{1}{4}$ SW. $\frac{1}{4}$ of the same section 60 feet had been taken from a pine tree for square timber. Mr. Tyrrell objected to the great waste in slabs. As these pine timbers were all scaled from one waney corner to another and in 16-foot lengths, through allowance for rise, and payment was received for the full log scale contents of every stick taken, including the material removed in the form of slab, the objection was entirely without force.

On the southeast-southwest of section 10 hemlock, hardwood, and fine logs had been left. The ground was low. Dan Hurley said that the logs were cut late last spring, and that an unexpected loss of snow and breaking up of frost prevented the skidding of these logs in the spring. Mr. Crowell said he personally thought this to be the case. One pine tree over 3 feet at the butt and measuring 83 feet from the butt to the broken top had been felled by Kemnitz and left unsawn. No waste had yet resulted, and it can be gotten this winter. It was in connection with the discussion of the advisability of cutting such pine as this that Mr. Tyrrell declared most positively that such trees were growing at a high rate and that they were increasing rapidly in value each year through growth alone.

He expressed the opinion that such a tree had averaged a ring of growth one-eighth inch wide each year throughout its life. As an inspection showed 35 annual rings in the last inch of growth, and as the tree was undoubtedly more than 225 years old, and probably 300, the misunderstanding of Mr. Tyrrell and the Indians as to the loss which was being occasioned through the cutting of such pine was fully apparent. On the northeast-southeast of 10 and the northwest-southwest of 11 were unpeeled pine logs. From one pine felled by Kemnitz only 24 feet had been taken. The 12-foot butt log left scaled 530 feet full, and 440 feet inside of sap. The merchantable top left measured 34 feet. These logs will be gotten this winter, but I entirely agree with the Indians that they should not have been left over summer in the woods.

I have made diligent inquiry as to the reason why these logs were left. Mr. Kemnitz tells me that he was not advised as to the particular sections, quarter sections or forties, on which he was to cut pine timbers, but was told to get them in the locality of the general logging operations and to fell any pine from which he could probably obtain hewn timbers. It seems to me it was the clear duty of the management to designate the areas from which he was to cut, and that the superintendent of logging should have kept such check on the hewn timber operations as to have been able to pick up practically all of these pine logs last season. As the greater part of the logs and trees left by Kemnitz, because of unsuitability for waney board timbers, have been peeled and practically all can be picked up this winter, the loss of thousands of dollars which the Indians allege is not apparent.

However, there is abundant evidence of a lack of care. The fault is inexcusable. In my opinion the blame lies primarily upon Mr. Charles Woodcock, the former superintendent of logging, but I can not excuse Supt. Nicholson. Certainly the relationships of Indians and Indian Service employees on this reservation should have been such that conditions of this sort, known to many persons, should not have been permitted to continue unremedied.

We visited the area cut from camp 11, which was located in northeast-northwest of section 31, T. 30 N., R. 15 E. This camp was built in November, 1910, after the big evergreen fire, and was used two years. Here we observed a good white-pine log 18 feet long right beside the track, and only a short haul away, two whole trees, each containing more than 60 linear feet of merchantable length, 14 large white-pine logs and 1 squared timber 40 feet in length on the southwest-northeast of 36-30-14. These were said to have been cut the spring of 1913 and had that appearance. They were not peeled and it will now be necessary to haul them to camp 17, about 1 mile distant. The southwest quarter of section 31-30-15 was logged in 1911. Some logs were left here and merchantable dead pine left standing. Some of the dead pine which was here pointed out by Mr. Tyrrell as constituting great waste had evidently been burned after an old logging operation and had been dead 10 or 15 years. In this connection it seems to me proper to observe that Mr. Tyrrell's position was quite inconsistent in

that he magnified greatly the loss through worm damage to green pine logs which had lain but a few months and yet maintained that the language of a millman, who had told him that any pine board which would hold together was worth sawing, must be accepted literally. Here night came upon us and we took the train to Neopit.

On Sunday morning we again took the logging train to the woods. One or two Indians remained at Neopit and two or three others joined us, including Thomas La Bell and Mose Kitson. We first inspected a railroad fill on the southwest-northeast of section 10-29-14. The fill was 13 feet or over, and the cut at each side of the fill about 6 feet. Merchantable hemlock and hardwood logs had been used in the fill. Mr. Tyrrell argued that unmerchantable and decayed logs which could be obtained in that locality should have been used for the fill. Mr. Fridett said more dirt should have been used, and declared the greater part of the dirt from the cut had been hauled away. Yet he admitted he had no personal knowledge of where it had been taken or whether any actually had been hauled away. His statements in this matter were absolutely worthless as evidence. Anyone at all familiar with logging-road construction would appreciate the utter folly of Mr. Tyrrell's proposition that a heavy fill of this character on a main-line logging road where a 50-ton locomotive was used should be built largely of unsound logs and wood trash.

On section 31-30-15 near quarter corner of section 30 and 31 we found a dozen good pine logs, and on the northeast-northwest of 31 a culvert timber. In section 30, near the line of section 31, were a dozen white-pine logs lying in a swamp for a railroad grade. In the northeast-northwest of section 1, southwest of camp 11 (Walter Quick, foreman) were 21 hemlock logs and 8 pine logs cut in 1910-11. Between camp 11 and the railroad track, 300 feet apart, we found 10 good-quality white-pine logs.

I have no doubt there were pine logs left which I did not see and many hemlock trees were left standing besides the logs left. Mose Kitson took us to a log-and-dirt railroad bridge and fill on the northwest quarter of section 31-30-15. Kitson said four men (including himself) and one team worked two days cutting and skidding logs for this fill. Mr. Peterson, who had charge of this work, said about 12,000 feet were put in there; only one pine log. I am inclined to believe the fill could not have been more cheaply made. Mr. Tyrrell declared that this was a locality which he had particularly in mind in his statement, that thousands of dollars worth of timber had been wasted.

The logging railroad grade beyond camp 11 as constructed in 1910 followed a small creek for about one-half mile through low ground. It appears that after the first year's logging was completed a cut-off was made skirting the slope of a hill. The length of the cut-off was not over one-half of a mile. On the cut-off it was necessary to remove loose dirt and stones a depth of 3 feet to 8 feet for a distance of 550 or 600 feet. The average depth of the cut was placed at 4 feet. John Peterson, assistant superintendent of logging, said the cut-off was built in June, 1912, to bring out the logs from camp 12B, located in the northeast-southwest of section 20-30-15. This cut was shown as an exhibit of a useless expenditure of Indian funds in the relocation of a railroad grade.

Mr. Peterson told me that the expense of upkeep on the old roadbed was very heavy because of its location in low ground and its many curves; that the cut-off was built so as to get a good roadbed for the hauling of heavy trains of logs. He thought the expense justified. To quite an extent his explanation was plausible in view of the condition there. The cost of the cut probably was not very heavy. Supt. Nicholson remained at Neopit Sunday. He later explained that this cut-off was built as a passing track for trains. This explanation also seemed plausible.

I regret to say that the conflicting explanations of Mr. Nicholson and Mr. Peterson left me in some doubt as to just why the cut-off was made. As a test to Mr. Peterson's memory and as a check against his having failed to remember all circumstances while talking with me, I called him on the phone later and requested a restatement from him as to why this cut-off was made. He gave the sole reason as the need of a better track, saying that only five or six cars could be brought over the swamp location and that they wished to bring 12 cars direct in, past this point, from camp 12B. He said positively and repeatedly that the rails from the old grade were placed on the cut-off. I am convinced Mr. Nicholson is mistaken as to the "passing-track" proposition. I am not prepared to say that the making of the new grade was an unnecessary expense.

The logs which Tom LaBell cut on the east side of railroad in northwest-southeast of section 32-30-15 in 1912 were hauled to a landing alongside this cut-off. LaBell used camp 11. He said the rails beyond the cut-off and on the old circuitous grade had been taken up before that time. Mr. Tyrrell had pointed out hemlock ties which had been laid as a travel bed for horses used on a jammer in loading LaBell's logs as an exhibition of waste. Mr. Tyrrell's statement that 110 of these ties were all salable was absurd. There was hardly a tie among them that would have met

standard specifications where new and practically all, and I believe all, had been used once, as shown by the spike holes. LaBell paid \$36 for use of camp 11 and \$30 for use of sleighs for the season of 1912-13, cut 500,000 feet, hauled about 2 miles, received \$6 per thousand and cleared \$1 per thousand. These were his own statements to me.

In the southwest quarter of section 32 30-15 attention was directed to cedar cut out of the logging road in 1910 and left. Mr. Tyrrell said this was that which he had referred to in a statement he had filed. Northwest of camp 11 we found a second cut in a pine left; it scaled full 550 feet and 350 feet inside of sap; at lower end was a 10-inch defect in heart and at top 6 inches. We placed it at average of 8 inches. The tree was a windfall and the second cut very knotty. The third log was crotched, but contained 180 feet. Another 6-foot cut which might have been taken scaled 220 feet full, but had 8 inches center rot. There were also two small logs in the top, but the tree had been dead years and worms were in it long ago. It was only 20 rods from railroad. Farther along the track was a small pile of cedar, a pine log, and a cedar pole 30 or 40 feet long, close to track. Away a few rods Mr. Tyrrell reported he found 30 feet left in a pine from which the butt cut was taken and hemlock logs 1 ft. This was about 40 rods from railroad. I was talking with Mr. Prickett when he made this examination. His statement that he would make a record of any refusal on my part to go in and see timber prompted me to record that which he reported. I accept his report without reservation.

On the northeast quarter of 36-30 14 was a white pine cut and left. Hollow butt log 12 feet long. Had it been rolled out one could crawl through it, but rim was sound and I allowed 200 feet scale; second log, 480 feet; third log, 480; top piece about 5 feet long, allowed 140 feet. Near by was a 26 inch Norway stump, only a 12 or 14 foot log taken; rest good. On northwest quarter of 31 a horse jammer left. I noted boom stick broken in half, brace to this broken and one runner split; not of much value. A 16-foot hemlock near sleigh road, cited as waste, I found cut from a dead tree; full scale 270 feet, actual sound material not over 50; haul to railroad nearly one-half mile. Noted several hemlock skids left; one hemlock log scaled 180 feet.

On Monday the engine and caboose were again placed at our disposal. Mr. Holland, Mr. Smith, and Mr. Nicholson did not go with us; practically all of the Indians who went Saturday went with us, and also John Warrenton, Alexander Warrenton, James Boyd, and others. Mitchell Waukaw was not with us, but his son was. This trip was made for the special purpose of showing me waste observed late Sunday afternoon, during the hour when I was not with the main party. Much was made of the loss in a heavy fill on a sleigh road in the northwest-northeast of section 6-29-15. This area was logged from Camp 12A in 1910-11 under John Peterson, then camp foreman.

The greater portion of logs in this fill were said to be large white pine of good quality. When brought there I at once recognized that nearly all of the logs were extremely punky, and insisted upon a critical inspection of everyone of them. We went over them one by one and agreed whether they were worth taking to the mill or not. Objection was made by Mr. Tyrrell as to the losing of time. However, he remained and examined the logs with me and the Indians, particularly with James Boyd, whom the Indians had evidently taken because he had scaled logs on the mill deck at Neopit. Boyd used the scale rule. When we were through, of the "dozens" of "excellent" logs used for the fill, only three 16-foot logs had been agreed to be worth taking to the mill. In the second fill, a few rods beyond, we found only one pine log that we agreed should have been milled, and this scaled only 80 feet sound material. A white pine beside this fill and in a bad place to get, scaled 440 feet full and Boyd allowed 280 feet. Just beyond, a Norway beside the road scaled 100 feet, sound material. A white pine 50 feet from road scaled 210 feet. A broken pine on sidehill on left scaled 140 feet and 100 feet. Another top scaled 40 feet. An old fallen tree near road would certainly scale out more than 500 feet of sound material.

Just beyond, two Norway skids which had been sawn into logs had been left. They scaled 60 feet+60 feet+70 feet+80 feet=260 feet, and 110 feet+100 feet+80 feet+60 feet=350 feet, respectively. We found another skid of 4 logs, 12 inches at top, 16 inches at butt, and then 4 more Norway skids of 5 logs each. We then came to a bridge over a ravine. On top of the high cribs of hemlock logs had been used two Norway stringers; one of these was 57 feet long, the other 84 feet. I believe stiff, sound stringers were necessary on this bridge.

Just beyond this and in an area almost directly west of Camp 12A and about one-half mile from it we found pine logs left in the elevated driveways which had been built for the getting of logs onto the skids. We scaled pine logs in the first drive as follows: 240, 300, 80, 330, 160, 100, 100, 240, and 60—that is, 9 logs with total scale of 1,530 feet—and 3 Norway, scaling 60, 40, and 20, or a total of 130 feet. In another skid driveway we scaled as follows: White pine 210, 40=250, and Norway 60, 100, 70, 120, 180, 210,

180, 140=1,060 feet. Beyond this point there were left in a ravine white pine 100, 70, 40, 70, 60=340 feet, and Norway 180, 40, 180=400 feet. We noted one other pine containing 210 feet. These logs were in a very rough rocky glacier morain, but I believe the leaving of them absolutely inexcusable. On our way into this cutting from Camp 18 I noted 12 hemlock and 2 pine skids left; the latter were not put in by Peterson, but were the remains of old Indian logging and were 70 feet long.

Both in going to this pine and returning we passed through Paul Tebeau's celebrated cedar cutting. Hundreds of cedar logs were left there. I understand that Tebeau was given a contract to cut out the cedar; that he cut these logs in 1911-12 and got none of them out; that he then asked for another contract in 1912-13 and that the management would not permit him to go in again. I understand that the operation had furnished his camp with all tools and supplies in order to give him an opportunity. He failed to get the cedar which he cut that winter out to the railroad grade. The next year the best interests of the operation were thought to demand the pulling up of the steel on the nearest track, the cedar was left, and the management would back Tebeau no longer. If these be the facts, and I have heard no one dispute them, whatever loss the Menominee Indians have suffered has been chiefly due to the default of one of the tribe, Paul Tebeau.

I believe no serious loss was suffered as to stumpage. The cedar was of only fair quality. A comparatively small proportion of it would have gone as poles if it would have been cut green. It was in the burned district of 1910. The Northwestern Cedarmen's Association rules will not admit burned timber for cedar poles and ties. All of Tebeau's cuttings were into logs which would be used for shingles. I find from the annual report of Neopit operation for the year ending September 30, 1912, that every thousand feet of shingles manufactured cost, including stumpage, \$2.45 per thousand; that the shingles sold during the same period averaged only \$1.71 per thousand. This shows a loss of substantially 75 cents per thousand. Thus it is clear that whatever criticism is given the management on this Tebeau cedar proposition should be for letting Mr. Tebeau undertake to cut any cedar rather than for failing to permit him to cut more. Until shingles manufactured from this material can be sold at a profit, the best interests of the Menominee Indians demand that the dead cedar in the southeast-southeast of section 31 and southwest-southwest of section 32, 30-15, and the northeast-northeast of section 6 and northwest-northwest of section 5-29-15 be left standing.

I have recited at great length the details of this three-day examination. I fully realize that the reading of so long a report is even more exhausting than its preparation, but the allegations of mismanagement at Neopit have been so persistently and vigorously urged that I have felt that it was best, while my original field notes were available and my memory of details clear, to set down in very complete form the facts as they were represented and as they were actually found. I have made frequent reference to Mr. D. F. Tyrrell.

As I understand it, Mr. Tyrrell was in no sense authorized to act for the Menominee Indians either as a tribe or as individuals. He manifested deep interest in their affairs, and told me the services which he had tried to tender had all been gratuitous. He is an earnest, energetic man. In the three days that I was with him in the woods I became convinced that his theoretical and practical knowledge of lumbering was quite limited, and the standard which he had applied for arriving at a determination of gains and losses in the lumbering business were not sound.

For instance, he felt a great loss had been suffered when he found burned cedar and hemlock left standing or used for railroad fills. I have shown above that there was a loss suffered on every thousand feet of cedar brought to the mill. Let us discuss hemlock. I find from the Neopit records that the average cost of manufacturing all kinds of lumber at Neopit from July 1, 1910, to September 30, 1911, was \$10.53 without stumpage charge. The average price received for hemlock during the period July 1 to December 31, 1910, was only \$11.19. Thus in the fall of 1910, when the Evergreen fire burned millions of feet of hemlock, there was no expectancy of receiving for stumpage and profit more than 66 cents per thousand even on green hemlock.

However, during that period 8,000,000 feet of hemlock were cut in the face of these conditions. During the year October 1, 1911, to September 30, 1912, the Menominee mills cut 22,000,000 feet of hemlock. The average price received for hemlock during this period was only \$11.28 per thousand. If we subtract from this \$9.72, the average cost of manufacturing all species during that period, we have left only \$1.56 for stumpage and profit. Clearly no great loss was suffered through the leaving of burned hemlock in the woods. I know that other manufacturers of hemlock in Wisconsin claimed during that period that they could not afford to pay more than \$1 per thousand for hemlock stumpage.

I should speak of two more matters brought to my attention on these three days: We found a second squared pine timber left in the woods. This was south of camp

14. It had been sawn into logs and skidded. Mr. Crowell told me that he examined it before skidding and found one end marked "U. S." with a hammer. This indicated that it had been scaled and paid for by Mr. Kennitz. We found a watering trough at camp 17 dug out from a pine log. Mr. Peterson told me it was made at camp 12 and had now been in use three years. A trough could have been made more cheaply from plank, but the loss has been greatly exaggerated.

On Monday evening I was asked if I would go up near Askenet the next day to examine the Kennitz cuttings in rock elm. I had reports which must be done and told the Indians to send two or three of their number up there to measure some logs and waste, to measure the area covered, and to report to me what they found.

Simon Beaupre and Joseph Longley went. They reported in the late afternoon that they visited sec. 5, T. 29 N., R. 14 E.; that they scaled a waste of 6,270 feet of timber fit for saw timber on an area which they estimated to be 10 acres. They had not paced or measured the area. This waste was found in 19 elm tops, 2 whole elms fallen and left, and 1 elm which had been notched and left and later felled by the wind. They also found 2 maples, 1 birch, and 1 basswood fallen and left. This cutting was done in the spring of 1913, when Simon Beaupre was the forest guard in charge of the scaling of rock elm.

Mr. Nicholson, Mr. Crowell, and Mr. Kennitz tell me that every elm tree which Kennitz falls he is expected to pay for. If he hews an elm and does not take it, he pays for it at the rate which he pays for square timber which he actually ships, and if by mistake he fells an elm which proves to be so defective that he does not hew he pays the regular stumpage rate of \$5, at which the Neopit operation charges itself. He also pays the regular stumpage rates on every tree of any other species that he fells or breaks down.

If anything has been lost to the Indians through lack of proper scaling, the fault lies primarily with Simon Beaupre, a Menominee Indian, whom the management intrusted with the duty of scaling all of this timber.

I have confined my remarks to the woods end of this proposition as much as possible. I am entirely satisfied that the Menominee Indians have received far higher stumpage rates through the sale of their rock elm and white pine for hewn timbers than they possibly could have received if the trees had been cut into logs and brought to the mill or had been cut into logs and sold for sawmill purposes at private sale, auction, or sealed bids to mills outside the reservation. I have gone into this matter very thoroughly with the employees here and especially with Mr. Crowell. I have checked over carefully with him the comparative figures which he has prepared. There is now on file at the Neopit office sufficient data and comparisons to explode completely every allegation that has been made to the effect that the white pine and rock elm which has been sold as squared timbers at Neopit could have been more profitable utilized in another form.

I have already expressed in plain terms my opinion of the amount of pine timber which has been left in the woods at Neopit in the last three years, especially in 1910-11 and in the loose and unbusinesslike manner in which pine timbers have been cut in the past year, with the result that many logs of the highest value have been exposed to worms during the summer.

Respectfully,

J. P. KINNEY,
Supervisor of Forests.

MR. J. P. KINNEY'S AFFIDAVIT.

J. P. Kinney, supervisor of forests in the United States Indian Service, being duly sworn, deposes and says that under dates of December 5, 1913, December 10, 1913, and December 16, 1913, he addressed letters to Mr. E. E. Ayer, of Chicago, Ill., a member of the Board of Indian Commissioners, regarding conditions at the Neopit lumbering operation on the Menominee Indian Reservation, Wis., and he further says that each and every statement of fact in the said letters was the truth to the best of his knowledge and belief, and that each of the expressions of opinion therein stated represented his honest and true conviction.

J. P. KINNEY.

DISTRICT OF COLUMBIA, *City of Washington*, ss:

Subscribed and sworn to before me at Washington, D. C., this 13th day of January 1914.

[SEAL.]

HELEN V. BRIDGE,
Notary Public.

My commission expires August 9, 1915.

12. BRIGHAM AND CROWELL.

[Statement of Earnest J. Brigham, superintendent of logging, Menominee Indian Reservation, Neopit, Wis., dated Dec. 16, 1913.]

From the foregoing statement of pick-up scale the following statement shows this year's intended disposition:

Section and kind.	Accessible.	Not accessible.
	<i>Feet.</i>	<i>Feet.</i>
SE. SE. sec. 8, T. 29 N., R. 14 E.: White pine left from Waney board cuttings now decked in rollways ready for hauling from Camp 15, present operation.....	2,540	
SE. NE. sec. 17, T. 29 N., R. 14 E.: White pine to which roads are now cut and skidways built ready for skidding during present year's operation as soon as the soft ground on which they lie is sufficiently frozen to allow team work.....	9,420	
NE. NE. sec. 17, T. 29 N., R. 14 E.: White pine ready for skidding as above.....	4,070	
NW. NW. sec. 16, T. 29 N., R. 14 E.: White pine on so-called State school land at present in litigation, which we are forbidden to move.....		3,910
NE. SW. sec. 10, T. 29 N., R. 14 E.: White pine in present year's Camp 15 operation to which roads are built, skidways and landing left from last year's operation for that purpose.....	9,940	
Hemlock scaled and planned to take out as above, Camp 15 operations.....	3,180	
SE. SW. sec. 10, T. 29 N., R. 14 E.: White pine adjoining above description and to be logged with it.....	23,150	
SW. SE. sec. 10, T. 29 N., R. 14 E.: White pine adjoining above description and to be logged with it.....	4,880	
NE. NE. sec. 6, T. 29 N., R. 15 E.: White pine and Norway left in 1911 and 1912 operation, not accessible to this year's work.....		2,180
NW. NE. sec. 6, T. 29 N., R. 15 E.: Fire-killed white pine and Norway skids, logs, bridging, etc., left 1911-12, not accessible this year's work.....		7,590
NW. NE. sec. 31, T. 30 N., R. 16 E.: Fire-killed white pine and Norway skids, bridging, and logs left season 1911-12, not accessible in this year's operation.....		6,870
NW. NE. sec. 31, T. 30 N., R. 15 E.: Pine logs left in swamp near Camp 11, season 1911-12. May possibly be skidded out this winter, but there is no frost in the swamp sufficient to hold team this date, Dec. 16, 1913, making it problematical.....		770
SW. SE. sec. 30, T. 30 N., R. 15 E.: Pine and tamarack, same condition as above.....		1,710
NE. NW. sec. 31, T. 30 N., R. 15 E.: Pine, same condition as above.....		3,730
Hemlock, same condition as above.....		3,250
NE. 1/4 sec. 36, T. 30 N., R. 14 E.: White pine docked in Camp 17 rollways ready for present season's hauling.....	2,900	
Pine to be drayed into above job.....	1,110	
Pine not accessible to this season's logging.....		600
Hemlock not accessible to present season's logging.....		2,610
Not accessible or probability of logging at least doubtful.....		33,250
Accessible to present year's operation.....	61,520	

Very respectfully,

DECEMBER 16, 1913.

EARNEST J. BRIGHAM,
Superintendent of Logging.

I hereby certify that the foregoing descriptions, log scale, memoranda, and data as shown hereon are true and correct to the best of my knowledge and belief.

That I believe that I have covered all the ground, viewed and scaled all merchantable logs under discussion, and to which attention was called November 29, 30, and December 1, 1913, during investigation upon complaint of Menominee Indian committee, and all such other logs found by me, not seen or mentioned by that committee in the several localities visited.

That such scale was well and truly made by means of a Scribner decimal C log rule and calipers used where rule could not be applied.

That I did not include cedar logs and poles cut by Paul Teabeau at and about the corner of sections 31, 32, T. 30 N., R. 15 E.; 6, 5, T. 29 N., R. 15 E., lying in swamp containing from 2,000 to 4,000 pieces.

That I did not include certain hemlock logs obviously left for present season's logging on the southwest quarter of section 10, T. 29 N., R. 14 E., which I estimate to be in the neighborhood of 20,000 feet.

That the total scale of logs herewith included as shown in the foregoing report equals 94,770 feet log scale.

EARNEST J. BRIGHAM,
Superintendent of Logging.
LINCOLN CROWELL,
Deputy Supervisor of Forests.

STATE OF WISCONSIN,
County of Shawano:

On this 16th day of December, A. D. 1913, personally appeared before me, a notary public, Ernest J. Brigham and Lincoln Crowell, who, being duly sworn, acknowledged that they executed the foregoing instrument to be their free act and deed.

[SEAL.]

H. C. D. ASHFORD,
Notary Public.

My commission expires June 20, 1915.

12-A. BRIGHAM AND CROWELL.

[Report of Mr. Edward E. Ayer's interview with Mr. Earnest J. Brigham, superintendent of logging, and Mr. Lincoln Crowell, deputy supervisor of forests, at Menominee Indian Reservation, Neopit, Wis., Dec. 16, 1913.]

MR. AYER. You were with Mr. Holland and Mr. Smith and Mr. Kinney two days that they were in the woods, and with Mr. Kinney the one following day when Mr. Tyrrell was pointing out the timber to substantiate his letter and his charges about logging in these woods?

MR. BRIGHAM. I was.

MR. AYER. Do you think Mr. Tyrrell had any practical knowledge of conditions in logging or any knowledge of the qualities of timbers during the days that you were with him?

MR. BRIGHAM. I would say he had some knowledge, but the major part of his questions and statements would indicate to me that he is not a practical logger, and that his estimates on the conditions of timber left on the ground and standing burned timber were very erroneous.

MR. AYER. Mr. Crowell, you were of the same party; is that your opinion also?

MR. CROWELL. Yes, sir.

MR. AYER. Did he strike you as being a man who wanted to be entirely fair and get at the true state of affairs, or not?

MR. BRIGHAM. He did not.

MR. AYER. The same with you, Mr. Crowell?

MR. CROWELL. Yes, sir.

MR. AYER. Did it seem to you that he felt bound to make out a case, bound to substantiate his charges, whether they would be right or wrong upon investigation?

MR. BRIGHAM. It certainly did.

MR. AYER. Mr. Crowell?

MR. CROWELL. Yes, sir. It would seem he talked more for the effect that his speech would have on the Indians accompanying us than any effect on us.

MR. AYER. Is that your opinion, too, Mr. Brigham?

MR. BRIGHAM. Yes, sir.

MR. AYER. The territory over which these logs were sealed covered all the territory visited by you while accompanied by Mr. Tyrrell and the Indians?

MR. BRIGHAM. It did.

MR. AYER. How much more?

MR. BRIGHAM. Twenty-five per cent more. At least 25 per cent more.

MR. AYER. And that is your judgment, Mr. Crowell?

MR. CROWELL. Yes, sir.

MR. AYER. I see that in your summary you say that 61,000 feet out of the 94,000 feet is accessible to present year's operation. About what percentage of the 33,000 feet can there be got to the mill with a reasonable profit?

MR. BRIGHAM. About 30 per cent.

MR. AYER. That is your judgment, Mr. Crowell?

MR. BRIGHAM. Yes, sir.

13. PETER LOOKAROUND.

[Report of Mr. Edward E. Ayer's interview with Mr. Peter Lookaround, storekeeper at Menominee Indian Reservation, Neopit, Wis., Nov. 29, 1913.]

(Mr. Lookaround is a graduate of Haskell University, and one of the two leading merchants of Neopit.)

MR. AYER. Are you satisfied with the conditions around here?

MR. LOOKAROUND. Yes, sir.

Mr. AYER. You think these are honest people who have charge here and that they are making an honest effort to do the best they possibly can?

Mr. LOOKAROUND. Yes, under the conditions. I think Mr. Nicholson is about the best we ever had.

Mr. AYER. You think this man, Mr. Nicholson, does what he can to employ all the Indians he can?

Mr. LOOKAROUND. Yes, sir.

Mr. AYER. Have you had any experience in other lumber yards or lumber schemes besides this one here?

Mr. LOOKAROUND. Well, I used to work a little in the woods.

Mr. AYER. But not in the manufacturing of lumber?

Mr. LOOKAROUND. No.

Mr. AYER. Do you think that they are succeeding in doing the logging in the woods properly?

Mr. LOOKAROUND. I think they are; of course it costs more money now.

Mr. AYER. Of course; but that will be best in the long run. And aren't you in harmony with this method of doing it? You know if it succeeds it will be a great benefit to the Indians in the long run?

Mr. LOOKAROUND. In the long run; yes.

Mr. AYER. There seems to be a body of Indians in your reservation that are very much dissatisfied with the way things are being done.

Mr. LOOKAROUND. Well, these are always the same ones that are dissatisfied—no matter who we had for our agent; and there seems to be a half-breed at the head of this who is making complaints and he is telling them, you know, that they ought to have their money and that these people here of the Forest Department are squandering the money, and so the people are beginning to think the same way.

Mr. AYER. But you are satisfied that the department is doing the best it can?

Mr. LOOKAROUND. Yes.

Mr. AYER. You are satisfied that since Mr. Nicholson came here there has been a large improvement in the conditions of the mill and the prosperity of the tribe?

Mr. LOOKAROUND. Yes. A man here must have executive ability; he must settle family matters and deal with the liquor question, and I think Mr. Nicholson has done well.

Mr. AYER. And you, and the class of Indians that you represent, feel that the agency has been well managed, as well as the mill?

Mr. LOOKAROUND. Yes.

Mr. AYER. Now, then, what percentage of the 1,700 Indians on this reservation feel as you do?

Mr. LOOKAROUND. I could not say.

Mr. AYER. Well, is this feeling that has been worked up pretty widespread?

Mr. LOOKAROUND. Yes; of course, when they feel they can't get any money they are all against the agent; they feel that if they can't get any money it is being spent here. You can't tell them that this mill is making money, because they won't believe it. They will say, "We don't get anything."

Mr. AYER. Is there a special committee organized here of five or six men who are trying to oppose the running of the mill?

Mr. LOOKAROUND. I think so.

Mr. AYER. Do you think this "opposition" would be glad to have the mill closed up and the logs sold?

Mr. LOOKAROUND. Yes.

Mr. AYER. Aren't you perfectly satisfied that if these logs were put on the market as they used to be you would fall into the same difficulties in getting low prices that you did before?

Mr. LOOKAROUND. In the old way the Indians used to get work for only three or four months in the winter, but now if the Indian wants to work he can go to work any time the whole year round. You will find records in the office that a few Indians have worked every month in the year.

Mr. AYER. What is it that the Indians are trying to do by employing attorneys? What is the necessity?

Mr. LOOKAROUND. Well, it's the same thing—about getting their money.

Mr. AYER. Are they trying to force the Government to pay back some money or to get the money out of the Government's hands? Does a large proportion of the Indians think the Government ought to pay back the money lost in the "down" lumber?

Mr. LOOKAROUND. No.

Mr. AYER. But the "opposition" does want the Government to surrender the million or two and divide it up amongst the members of the tribe?

Mr. LOOKAROUND. Yes; and these "blow downs" are telling the Indians the Government held back some of the money, and they are going around and saying to these Indians, "We want to employ an attorney for the benefit of both of us," telling the Indians they should have the same attorney as the white man.

Mr. AYER. Do many white men come on the place and agitate them and find fault with the mill? Are the people around the reservation and those people all the time trying to make trouble and do away with the mill?

Mr. LOOKAROUND. Yes.

Mr. AYER. What is your impression that the effect would be if they succeeded in stopping the mill and having a change in administration? Would it be injurious?

Mr. LOOKAROUND. I think it would; because we have so much money invested.

Mr. AYER. Do you think that you can preserve the timber for the next 50 years, that will come off this reservation, better by having a mill than without one?

Mr. LOOKAROUND. Yes, sir.

13A. PETER LOOKAROUND.

[Questions answered by Mr. Peter Lookaround. Submitted and answered in writing and sent to Mr. Ayer at Chicago.]

Q. What promises or what talk has been spread amongst the Indians by Mr. Tyrrell and those associated with him as to what they could do for the Indian?—A. There would be a change of superintendent in Neopit, Wis.

Q. Do you understand that the contractors from whom the Government deducted certain moneys on "blown down" should have their claims paid?—A. Yes.

Q. Do they say the Government is to pay these, or is it to be paid out of tribal funds?—A. Do not know.

Q. Do you understand from talk generally circulated by them that a million dollars of Indian money has been wasted?—A. Over a million dollars.

Q. Do they claim to be able to secure payment to the tribe of certain claims known as the Stockbridge two-mile strip claim?—A. Do not know.

Q. Do they claim to be able to secure to the tribe sections 16 and swamp lands now claimed by State and which question is now before Supreme Court?—A. No.

Q. Do they claim to be able to secure annuity payments to the tribe?—A. Yes. Fifty dollars a head; if not, \$30 a head.

Q. What promises in general do you gather have been made by Mr. Tyrrell or any of his associates that tend to carry favor with the Indian, either for or against anyone, or on behalf of anyone?—A. Do not know.

Q. What do you gather is meant by various statements or gossip circulated that money is being wasted on the Neopit operation?—A. Waste of timber mostly. Too much cull lumber. Too many high-salaried employees.

PETER LOOKAROUND.

14. C. A. TURTLEHEAD.

[Report of Mr. Edward E. Ayer's interview with Mr. C. A. Turtlehead, storekeeper at Menominee Indian Reservation, Neopit, Wis., November 29, 1913.]

Mr. AYER. Are you a full-blooded Indian?

Mr. TURTLEHEAD. No.

Mr. AYER. You have known this agent, Mr. Nicholson, since he has been here?

Mr. TURTLEHEAD. Yes, sir.

Mr. AYER. Do you think he has made an effort to be fair and square in his dealings with the Indians?

Mr. TURTLEHEAD. Yes; as far as I know, he has.

Mr. AYER. Now, there seems to be a feeling amongst some of the tribe that the mill ought to be abolished. They don't think it is making money, although the reports show it has been making money. Do you think it would be better to sell your logs than it would to saw them?

Mr. TURTLEHEAD. Well, of course we were laying up money right along then.

Mr. AYER. Do you think these people are using economy in sawing the timber and disposing of it?

Mr. TURTLEHEAD. Well, I think in disposing of it they are, but of course there is lots of timber that has been sawed here that doesn't amount to much. There have been miscuts and a lot of it spoiled by the saw.

Mr. AYER. Are you familiar with the ordinary percentage of miscuts in the mills in Wisconsin, or only this one?

Mr. TURTLEHEAD. Yes; only this one.

Mr. AYER. Do you think that for the last three years the logs have been properly taken care of?

Mr. TURTLEHEAD. I haven't been in the woods and don't know.

Mr. AYER. There seems to be some Indians here who are very much dissatisfied with the administration as carried on here; they are against the mill and against the agent and his work. What percentage of this tribe feel that way, do you think, about him?

Mr. TURTLEHEAD. I don't think the percentage is very big.

Mr. AYER. About 5 per cent, say?

Mr. TURTLEHEAD. I don't think that much.

Mr. AYER. Is that percentage who are usually against the agent here the industrious, hard working Indians?

Mr. TURTLEHEAD. No; they are not.

Mr. AYER. Are they amongst the class who try to get an easy living and are not usually found on the pay roll of the mill?

Mr. TURTLEHEAD. Not very much [meaning they are not found very much on the pay roll of the mill].

Mr. AYER. Do you think that these men who are finding fault and are not the working men of the tribe could manage this affair better than the agency is managing it?

Mr. TURTLEHEAD. No; I don't think so.

Mr. AYER. And you would not be satisfied to have the management of the mill in the tribe?

Mr. TURTLEHEAD. This man who is here seems to be a pretty good, straight sort of a fellow, and I think he could do as well as anybody else would.

Mr. AYER. You think this man employs all the Indians that he has a place for?

Mr. TURTLEHEAD. Yes; I think any Indian that wants work he can find a place for.

15. JOE GRISTO.

[Report of Mr. Edward E. Ayer's interview with Mr. Joe Gristo, policeman at Menominee Indian Reservation, Neopit, Wis., Nov. 29, 1913.]

Mr. AYER. You are a policeman here, are you not?

Mr. GRISTO. Yes, sir.

Mr. AYER. Are you a Menominee Indian?

Mr. GRISTO. Yes.

Mr. AYER. How long have you been here, M. Gristo?

Mr. GRISTO. I have been here—I think it is eight years.

Mr. AYER. Are you familiar with the lumber yards and the logging and everything pertaining to the carrying on of the Menominee Indian Reservation?

Mr. GRISTO. No.

Mr. AYER. Are you familiar with the lumber yards down in Oconto or anywhere else?

Mr. GRISTO. Well, I was raised in Marinette, but, of course, I never worked in the mills.

Mr. AYER. Then, you are not familiar with the way the lumber yards are kept at Marinette and Menominee?

Mr. GRISTO. Yes; I have been in there.

Mr. AYER. Well, how do you think this compares with them?

Mr. GRISTO. Well, I have never seen anything lying around in other yards. It is generally picked up. Of course, here there is a good deal lying around, as anyone can see for himself. Of course, though, they clean up every once in a while.

Mr. AYER. Do they clean it up, say, once or twice a year?

Mr. GRISTO. Oh, yes; maybe once a month, for all I know.

Mr. AYER. Do you get your wood from the plant?

Mr. GRISTO. Yes.

Mr. AYER. What condition is the wood in—slabs, sawed up 16 inches long and not split?

Mr. GRISTO. Yes.

Mr. AYER. What do they charge you for that, delivered at your house?

Mr. GRISTO. \$2 a load, about two cords.

Mr. AYER. That makes about a dollar a cord. How much would it cost you to go around the yard and get the broken pieces and get them to your house and have it sawed up?

Mr. GRISTO. Well, I don't think I could get it cheaper. It would take a long time to pick it up, and I would have to get a team.

Mr. AYER. Do you think any of the Indians who have families can always get it at \$1 a cord delivered?

Mr. GRISTO. Yes.

Mr. AYER. I notice there are some Indians who are dissatisfied with the working of the plant and the whole conditions?

Mr. GRISTO. Well, the way I understand it, they are.

Mr. AYER. Are these men working for the company?

Mr. GRISTO. They had been working right along, but I guess they lost their jobs.

Mr. AYER. Do you know for what reason?

Mr. GRISTO. Well, not exactly. Once in a while some of them come and tell me the trouble, but I never took any trouble to keep it in my head.

Mr. AYER. Do you know how many Menominees are working in the woods, etc.?

Mr. GRISTO. No, sir.

Mr. AYER. Isn't it the usual thing that the Indians are usually given a job if they are good workers?

Mr. GRISTO. Well, yes.

Mr. AYER. What percentage of the tribe do you think is dissatisfied?

Mr. GRISTO. Well, as far as I know, most of them are not satisfied and only a few are.

Mr. AYER. Well, what do they want instead of what they have got?

Mr. GRISTO. Well, I don't know what they want.

Mr. AYER. Have they any better scheme?

Mr. GRISTO. They claim they have.

Mr. AYER. Are they the hard working men that devote their time to work who think they can do better, or are they the men outside, who don't work? Do they want to do away with the mill?

Mr. GRISTO. No; I think the idea is that the mill ought to be making money, instead of running behind every year.

Mr. AYER. But, is it a fact that they are running behind? Where do they get that idea?

Mr. GRISTO. Well, I don't know; these are the reports I hear.

Mr. AYER. Well, do you know whether these reports are true or not?

Mr. GRISTO. I couldn't say.

Mr. AYER. Who has been telling these men that the mill has been running behind?

Mr. GRISTO. I couldn't say.

Mr. AYER. Well, don't they know they can come to the agent and find out exactly how the mill is run? Has it not always been that any Indian can come in and examine the books any time?

Mr. GRISTO. Yes; although I don't know whether they ever did or not.

Mr. AYER. Well, then the only reason they are dissatisfied is that they think this mill is losing money every year?

Mr. GRISTO. Yes.

Mr. AYER. Well, do you think they would be satisfied if they could be informed that this mill is making money every year?

Mr. GRISTO. I don't know how they would feel about that.

Mr. AYER. Have any of their attorneys, or the outside people, told them that the mill is losing money?

Mr. GRISTO. I couldn't say, only every once in a while they get wind that the mill is losing money.

Mr. AYER. Don't you think it would be the proper thing to do to have your men go to the office and examine the books?

Mr. GRISTO. Why, sure.

Mr. AYER. And don't you think that if the men knew that the last two years the mill had added to the funds at Washington \$44,000 they would have been more satisfied with the management?

Mr. GRISTO. Why, sure—if they had known it.

Mr. AYER. You are convinced that if the Indians knew the mill was making money they would be satisfied?

Mr. GRISTO. Yes, sir.

16. CHARLES W. CHICKENEY.

[Report of Mr. Edward E. Ayer's interview with Mr. Charles W. Chickeney, at Menominee Indian Reservation, Neopit, Wis., Nov. 29, 1913.]

Mr. AYER. You are a Menominee Indian, of course?

Mr. CHICKENEY. Yes, sir.

Mr. AYER. Mr. Chickeney, how long have you worked here for the plant?

Mr. CHICKENEY. Two years in June.

Mr. AYER. What is your position?

Mr. CHICKENEY. I am what they call "retail salesman."

Mr. AYER. You are familiar with the way the lumber is piled in the yard and kept?

Mr. CHICKENEY. Yes, sir.

Mr. AYER. Are you familiar with the way it is piled in other lumber yards?

Mr. CHICKENEY. No; I am not.

Mr. AYER. There seems to be several men here who are much opposed to this whole scheme. Are those men usually the laboring, hard working men for the mill, or are they the people who do not work much?

Mr. CHICKENEY. Well, I know of two who do not work at all, who have been kicking.

Mr. AYER. Well, how do they get their living?

Mr. CHICKENEY. I am sorry to say you will have to tell me before I can tell you.

Mr. AYER. Is it the general impression here that the mill is making money or losing money?

Mr. CHICKENEY. That I could not tell you.

Mr. AYER. Well, have you heard that the plant is losing money?

Mr. CHICKENEY. Yes.

Mr. AYER. Have they ever made any effort to come to the office to find out if they have been losing money?

Mr. CHICKENEY. Not that I know of.

Mr. AYER. You are satisfied that they could if they wanted to?

Mr. CHICKENEY. Well, whenever I have come to Nicholson with reference to anything I have always got what I wanted.

Mr. AYER. How many men do you think are opposed to this sawmill, and the other things?

Mr. CHICKENEY. That I could not tell.

Mr. AYER. Well, there are not a great many, are there? Would it be 5 per cent, or perhaps 10 per cent?

Mr. CHICKENEY. Yes; I think probably 10 per cent.

Mr. AYER. Don't you think if these men would take the opportunity of coming and getting the information at this mill, and it was demonstrated that this mill was making money, that they would feel different about it?

Mr. CHICKENEY. I think they would; yes.

Mr. AYER. Is the yard in good condition, as far as cleanliness is concerned?

Mr. CHICKENEY. Well, as far as I know, it is. Of course, business hasn't been very good and everything is piled up, there are not many of what they call "outs."

Mr. AYER. You are not familiar with the logging in the woods, are you?

Mr. CHICKENEY. No; I don't know what is going on there.

Mr. AYER. Don't you think it would be a good plan, in the interest of your tribe, for two or three of you, who are satisfied and connected with the plant, to get two or three of the leading men in what we may call the "opposition" to come with you, say the two merchants and you, and invite two or three men, to come up here and get an exact statement of how much money this mill has made or lost in the last three years?

Mr. CHICKENEY. Why, yes; indeed I do.

Mr. AYER. Well, now, these books are kept, as I understand it, by Government men under Government employ. Every dollar of money that comes in is credited to the Government and every dollar paid out is charged to the Government. Now, you can readily find out in this office whether you take in more money during the year than you expend, and if you can find that in the three years they have taken in more money than they have expended then you know exactly whether you are making money or not, and I would suggest that you do this. As a business man, I don't believe that any man would want to say that these books are fraudulently kept. So I think it would be a good scheme to get up a committee of that kind and come and find out, so you can tell your tribe exactly how things are. And I shall suggest that at the end of each year there be a little slip printed and given to each member of this tribe, telling them exactly what the outcome of this business has been, whether it is a loss or a gain.

Mr. CHICKENEY. I think the reason the tribe are dissatisfied is that the annuity is decreasing every year.

Mr. AYER. That I don't know anything about. Only I do know, from the books of this office, that there have been several hundred thousand dollars added to your credit in Washington in the last three years; so that it isn't true that this mill has decreased your annuity.

Mr. CHICKENEY. Well, that is the impression of the tribe, that this mill is to blame for it.

Mr. AYER. Now, you know that if you sell your logs you have only three months' work a year, and you are up against the great lumber companies here. Some of them have been robbing you from time immemorial. Now, do you want to go back to that?

Mr. CHICKENEY. Why, no.

Mr. AYER. How many men of these agitators are there in the tribe who don't work, who still live and have money. You said you knew of two of this bunch here.

Mr. CHICKENEY. They are the only two I know of.

Mr. AYER. Have they any income from property?

Mr. CHICKENEY. Not to my knowledge.

Mr. AYER. They have their annuity, \$60 a year, but they can't live on that, can they? Have they families?

Mr. CHICKENEY. Why, one has.

Mr. AYER. And still he never works?

Mr. CHICKENEY. I don't know how it is, but he never works any.

Mr. AYER. I am going to recommend that one or two young men be put through the College of Agriculture at Madison by the tribe, who will come back and be able to teach you how to raise the best cattle, pigs, horses—everything the best type instead of the poorest.

Mr. CHICKENEY. Well, Mr. Ayer, I want to say this: No matter what they do at the mills here, or in the woods; no matter how the funds are, we must have something to eat, something to put on our back, and it depends whether we go back to degradation or rise to the position of citizenship, on our knowledge and adaptability for agriculture; and I am thoroughly in accord with your recommendation in regard to starting us right.

17. MR. FRANK S. GAUTHIER.

[Report of Mr. Edward E. Ayer's interview with Mr. Frank S. Gauthier, at Menominee Indian Reservation, Neopit, Wis., Nov. 29, 1913. Mr. Gauthier was accompanied by a party of six Indians.]

Mr. Gauthier presented, for Mr. Ayer's perusal, a copy of a report dated March 11, 1913, that he had presented to the Secretary of the Interior at Washington, on March 13, 19. Mr. Gauthier had gone to Washington at the request of his tribe, as their representative.

Mr. AYER. Do you still feel just the same as you did when this was written?

Mr. GAUTHIER. Yes, sir; if anything, worse.

Mr. AYER. Have you been in the employ of the mill company here?

Mr. GAUTHIER. Yes; up to 1911, and then I was transferred over to headquarters.

Mr. AYER. Are you still there?

Mr. GAUTHIER. No, sir; I resigned there in September. I decided to make a fight and so I had to resign in order to make a fight.

Mr. AYER. Well, now, what is the principal thing you wanted to make a fight on?

Mr. GAUTHIER. On our superintendent, Mr. Nicholson. He is incompetent. And not only the superintendent, but his assistant, Mr. Marble, also.

Mr. Ayer then outlined to Mr. Gauthier and his party the recommendations it was his intention to make to the Government; about having tribal cattle; about the allotment of farms and the division of the tribal funds to get them started; about sending a few bright young Indians to Madison Agricultural College to learn scientific farming; about having the entire reservation surveyed by townships; about having matters presented by the Indians attended to at Washington without delay.

18. JOHN KAKATOSH.

[Report of Mr. Edward E. Ayer's interview with Mr. John Kakatosh, at Menominee Indian Reservation, Neopit, Wis., Nov. 29, 1913.]

Mr. AYER. Mr. Kakatosh, would you rather have the mill stopped and log the balance of this reservation by selling the logs? How do you feel about that?

Mr. KAKATOSH. Well now, I have worked around here quite a little, but it is pretty hard for me to know all that is going on here. Do you want to know what the Menominees want?

Mr. AYER. Why, yes; I want to know about everything that is going on here; what's going on at the mill, and what the Menominee wants. I want to see if we can not do better and conserve your property. You don't work in the mill, do you?

Mr. KAKATOSH. No; I run camp in the woods; for the Government. I run camp 17.

Mr. AYER. Do you feel that these logs are being cut properly and handled economically, and as well as it is possible to do it?

Mr. KAKATOSH. Well, we are trying to get the logs out as cheap as we can.

Mr. AYER. Why do the Indians want to have an attorney on this reservation? What do you want to do that the Government will not do?

Mr. KAKATOSH. Well, I have heard a lot of fellows saying that the mill is not handled right, that there is a lot of miscuts.

Mr. AYER. Do they think any mill is cutting where there are not miscuts?

Mr. KAKATOSH. I couldn't say. I have been brought up around the mills, but I couldn't say how many miscuts there were.

Mr. AYER. You are a farmer, are you not?

Mr. KAKATOSH. No; but I am going to start a little farm next year.

Mr. AYER. That's very fine. By the way, the Indians are doing better work these days, aren't they?

Mr. KAKATOSH. Why, yes; since they got the mill in they are getting more down to working. Now, my two boys are working nearly the whole year steady, and there are a lot of boys who work that way.

Mr. AYER. Do you know anything about whether this mill is paying or not? Have you ever been told?

Mr. KAKATOSH. I heard a lot of them saying that the mill did not pay.

Mr. AYER. Where did they get their authority?

Mr. KAKATOSH. Well, I don't know, I just heard a lot of them say so.

(Here Mr. Ayer explained that the mills had made a profit of \$444,000 during the past two years and that the Indians could get the facts in regard to the profits of the mill at any time, either from the agent or from Washington.)

Mr. KAKATOSH. I heard Mr. Nicholson say once that the boys could get the facts in Washington about what money the mill was making.

(Mr. Ayer, continuing, explained that in the past two years \$444,000 had been added to the tribal funds at Washington out of the profits of the mill; that the statement to this effect was absolutely reliable, and that any statement that the mill was losing money was untrue. "The books of the reservation," he said, "are audited by Washington, and are absolutely correct, and any Indian can come here and find out just what money the mill is making or losing, and if they then are not satisfied they can get the information from Washington.")

Mr. AYER. Well now, have you any suggestions to make as to how the mill could be run better?

Mr. KAKATOSH. No, I have not. I have worked in a good many mills and they are worked just the same, as far as I can see, as this mill here.

Mr. AYER. Don't you think this entire reservation ought to be run out and examine and a report made on every township, of the character of the soil and what it will grow best, and get this information so as to know what you have here?

Mr. KAKATOSH. Why, yes; some parts here are good land and some bad land. Well, of course I have heard a lot of talk, but I have been here since this plant started up and have all kinds of work, shoveling, driving piles, working on the river, and I have had all the work I want.

19. TUCKER.

[Report of Mr. Edward E. Ayer's interview with Mr. Mose Tucker, at Menominee Indian Reservation, Neopit, Wis., Nov. 29, 1913.]

Mr. AYER. Have you been working for the mill?

Mr. TUCKER. No; I could not support my family in that way.

Mr. AYER. You have a family?

Mr. TUCKER. Yes, sir.

Mr. AYER. Have you a farm?

Mr. TUCKER. Yes; I have 100 acres in fence and 65 under cultivation, and I bought another place at Keshena of 74 acres.

Mr. AYER. What do you raise?

Mr. TUCKER. Corn, potatoes, oats, hay, beans.

Mr. AYER. Do they all grow successfully in this country—good crops?

Mr. TUCKER. Sure.

Mr. AYER. Then you are making a comfortable living for your family on these farms?

Mr. TUCKER. Yes.

Mr. AYER. Can you tell me something about the farming on this reservation?

Mr. TUCKER. Well, I believe that this is very good farm land here.

Mr. AYER. Are you satisfied that the future of the Indians will be better the more they take to farming?

Mr. TUCKER. Yes.

Mr. AYER. Have you good stock?

Mr. TUCKER. Well, I have three Guernsey cows and one bull and three sows.

Mr. AYER. Do you think that if the Government made an effort to help, out of the funds, that you could get some of the younger men into farming?

Mr. TUCKER. Yes; from my knowledge I believe that. I know my people are very easily led, and if you lead them in the right way they will go that way, and if you lead them in the wrong way they will go that way.

Mr. Ayer here advised Mr. Tucker that the Indians did not need any lawyers to handle their difficulties; that if they needed anything the Board of Indian Commissioners would do everything in their power to help them; that the Government was their friend and that there was no occasion to spend any money on lawyers.

Mr. TUCKER. Mr. Ayer, let me tell you that I am 48 years old, and I have always made an effort to develop myself in every way. Now, whenever we make a complaint to the department they will come right back to the agent and the agent will say, "Those parties are always making complaints," and consequently things get worse and worse.

Mr. AYER. Then one of your main complaints against the Government is the great delays that occur in all your requests and correspondence?

Mr. TUCKER. Yes.

Mr. Ayer brought the interview to a close after explaining that any of the Indians could get any desired information about the accounts of the mills and that there was absolutely no doubt but that the mills were making money and were doing very well.

20. BEAUPREY.

[Report of Mr. Edward E. Ayer's interview with Mr. Simon Beuprey, at Menominee Indian Reservation, Neopit, Wis., Nov. 30, 1913.]

Mr. AYER. Are you working for the plant?

Mr. BEAUPREY. I was two years ago, but I got discharged the 1st of July, and I haven't done anything since. I was a forest ranger.

Mr. AYER. Well, does that come under this mill department?

Mr. BEAUPREY. Yes, sir.

Mr. AYER. How much good farm land is there on the reservation, land that isn't too stony or too rough?

Mr. BEAUPREY. I should say about four townships—one-third of it. There are three townships on the other side of the Wolf River that isn't good farm land, but it will make good grazing.

Mr. Ayer explained that he intended to make recommendations about allotting farm lands and about putting tribal cattle on the pasture lands.

Mr. AYER. Have you any suggestions to make that you think would improve conditions here? You know, of course, that they have added some \$444,000 to your tribal funds at Washington in the past two years.

Mr. BEAUPREY. No, sir; I don't think of any.

21. McCALL.

[Report of Mr. Edward E. Ayer's interview with Mr. George T. McCall, at Menominee Indian Reservation, Neopit, Wis., November 30, 1913.]

Mr. AYER. You are working for the company, Mr. McCall?

Mr. McCALL. Yes, sir; I work in the mill.

Mr. AYER. Mr. McCall, have you cruised this reservation pretty well?

Mr. McCALL. Not very much. I have been all through it, but I have never made any special effort to find out what there is in it.

Mr. AYER. They are estimated here all the way from a billion and three-quarters to two billion.

Mr. McCALL. I don't think there is that much. You know fire destroyed a good part.

Mr. AYER. Is there hay that could be cut for the cattle over on Wolf River, toward Oconto?

Mr. McCALL. Yes; but over on the southwest side of the reservation there is hardly any hay to be cut.

Mr. AYER. Is this logging work that you are doing satisfactory to you?

Mr. McCALL. Yes; I am working in that burnt timber, and I am picking up all that "down" stuff.

Mr. AYER. How long has that been there?

Mr. McCALL. It has been burnt three years.

Mr. AYER. Nothing but the white pine is any good, of course?

Mr. McCALL. Well, the hemlock is good, the hard part under the saps.

Mr. AYER. What will they make?

Mr. McCALL. No. 2 and No. 3. When we get 100 logs I realize about 40. We have to cut them all in order to find if they are any good or not.

Mr. AYER. What do you think it would cost per thousand to log them and get them at the mill?

Mr. McCALL. About \$7 I think.

Mr. AYER. Is there much white pine there?

Mr. McCALL. Yes.

Mr. AYER. Well, is the white pine any good.

Mr. McCALL. Yes; you take this timber that has been laid down for many years, it is good because it is all clear timber, seasoned and all that.

Mr. AYER. Don't you think it would be a good business proposition to have the timber on this reservation estimated?

Mr. McCALL. I have always thought that would be a good thing.

Mr. AYER. You don't think there is two billion—do you think there is a billion and a half?

Mr. McCALL. Yes; I think there might be that.

Mr. AYER. How long do you think before they will be ready again to log that part the foresters are leaving?

Mr. McCALL. It takes very long. I think 50 years.

Mr. AYER. How high are they leaving them?

Mr. McCALL. Ten and twelve inches.

Mr. AYER. How much good farm land is there on this reservation, as far as you know?

Mr. McCALL. Well, I believe there is all of about seven townships that is good farming land. Four are particularly good; three not so good, but they could be used.

22. PETER LAMOTTE.

[Report of Mr. Edward E. Ayer's interview with Mr. Peter Lamotte, at Menominee Indian Reservation, Neopit, Wis., Nov. 30, 1913.]

Mr. AYER. How long have you been here, Mr. Lamotte?

Mr. LAMOTTE. Three years.

Mr. AYER. Do you think the mill has been of great benefit to the tribe?

Mr. LAMOTTE. Well, I think it is a benefit, but it doesn't make any money.

Mr. AYER. You mean a benefit in so far as it has furnished more employment?

Mr. LAMOTTE. Yes, more employment; but the Indians don't get it. Before this plant was here the Indians had more work—logging.

Mr. AYER. But they only logged three or four months a year?

Mr. LAMOTTE. Yes; but after they would get through they used to work the farms; but now you have to go to work every day, and you have nothing to farm with; and if you stop work for a week, you are going to starve.

Mr. AYER. Now, you say the mill doesn't pay?

Mr. LAMOTTE. It would pay if it was well taken care of.

Mr. AYER. But is the mill a good thing; you said it didn't pay?

Mr. LAMOTTE. It doesn't seem to be paying.

Mr. AYER. Have you ever asked to see the statement?

Mr. LAMOTTE. Yes.

Mr. AYER. Well, that indicates that there have been some \$444,000 paid into Washington in the last two years, over and above everything.

Mr. LAMOTTE. Well, then, I must be mistaken.

Here Mr. Ayer explained in detail how the mill had been progressing, showing by a statement before him just what money they had been making on the reservation each year for some years past; also explaining that the books were absolutely to be relied upon.

Mr. AYER. Do you think we ought to make a recommendation to have a certain part of the funds turned over to individuals to make a farm?

Mr. LAMOTTE. That's all right.

Mr. AYER. What do you think about sending five or six bright young men to the College of Agriculture at Madison to have them learn to be scientific farmers?

Mr. LAMOTTE. That's all right, too.

Mr. AYER. Don't you think these lands all ought to be run out, showing what is on every township in this reservation?

Mr. LAMOTTE. That would be another expense to the tribe.

Mr. Ayer here outlined to Mr. Lamotte his plan of recommending to the Government that a portion of the tribal money be used for allotting farms and getting them started.

Also his plan of recommending that, say, a thousand head of cattle be put on the reservation to eat up the pasture now going to waste; for the Government, if necessary, to cut hay enough to carry the cattle through the winter.

Also of recommending that matters taken up by the tribe be accorded immediate attention.

Mr. AYER. What proportion of the tribe is dissatisfied, do you think, with the plant here?

Mr. LAMOTTE. Quite a few.

Mr. AYER. Ten per cent?

Mr. LAMOTTE. I think more than that. My opinion is this, that the Indian can log as good as the white men, or better. I think the mill should be leased and the timber sawed so much per thousand.

23. WYESKESIT.

Report of Mr. Edward E. Ayer's interview with Mr. Wyeskesit, an old pagan Indian, at Menominee Indian Reservation, Neopit, Wis., Dec, 1, 1913. Mr. Wyeskesit was accompanied by Mr. Thomas Prickett and Mr. Frank Gautier, the latter acting as interpreter.]

WYESKESIT. The reason why I come to see this gentleman is to tell him how the Menominees are in poor circumstances. You see this city here, it looks nice and good. But where I live is the poorest settlement that there is on the reservation—Zoa settlement, 6 miles away.

Mr. AYER. What is the nature of the land up there; is there any good farm land?

WYESKESIT. Good land; timber land; but how am I going to use the farm?

Mr. AYER. I am going to recommend that the Government will advance money enough to those who want to farm to build a house and barn and get a team. Won't that help you?

WYESKESIT. I want the views of this proposition placed before the tribe, and whatever action my people take then I will give my opinion.

Mr. AYER. I want your individual opinion.

WYESKESIT. My opinion is that when a man comes here I like to have him go and be my witness to the poor conditions we are placed in up there. We are in such poor circumstances we have no lumber. Some of my people up there have barn for their roofs. We have no money to buy this lumber up here.

Mr. AYER. How do they live?

WYESKESIT. Go around and hunt and trap.

Mr. AYER. Is there much game on the reservation?

WYESKESIT. There is, but there are some of us that are unable to hunt; we are old and sick.

Mr. AYER. How old are you.

WYESKESIT. Seventy-two. That was why I went to the war to fight for this country, so that the white people that I helped would help me when I am poor.

Mr. AYER. How much pension do you get?

WYESKESIT. \$208 a year.

Mr. AYER. How much annuity do you get a year?

WYESKESIT. In the beginning I got \$30 twice a year; but now the money is being used for other purposes—it is sunk here.

Mr. AYER. In the past two years \$444,000 was deposited with the United States Government out of the profits of this plant. Isn't that good?

WYESKESIT. If this plant was a paying proposition, would I be poor; would I be hungry? The white people you see here, they are the people who have good things to eat.

Mr. AYER. But over and above the entire expense of this plant for two years they have deposited \$444,000 in the tribal funds at Washington. The money in your funds at Washington now amount to about \$2,000,000. If this plant keeps on as it has for the last two years it will pay in a short time all the money that has been put into it.

WYESKESIT. Well, where is this money?

Mr. AYER. They are paying annuities out of it; if they should pay that all out at once the Indians would be poorer in a few years than now; there would be nothing to draw from.

Mr. Ayer here explained to Wyeskesit, through the interpreter, that while he had come specially for the purpose of examining conditions at the mills and in the woods, still in the meantime he would make strong recommendations and suggestions that he hoped would benefit the tribe.

24. FRESCHETT.

[Report of Mr. Edward E. Ayer's interview with Mr. Charles Freschett, at Menominee Indian Reservation, Neopit, Wis., Nov. 30, 1913.]

Mr. Freschett was accompanied by Mr. Frank Gauthier, Mr. Mose Tucker, and three other Indians.

Mr. Freschett presented a document which showed, as he understood it, that pine timber had been sold for \$57 in the log. Mr. Ayer explained that his understanding was incorrect, demonstrating that the timber referred to had been sold for \$70 per thousand on the stump.

The remainder of this meeting was taken up by a discussion as to the profits of the mill, Mr. Ayer showing how \$444,000 had been added to the tribal funds at Washington from the profits of the mill during the past two years, the total amount of the funds at Washington, etc.

24A. LOUIS OSHKENANIEW.

[Report of Mr. Edward E. Ayer's interview with Mr. Louis Oshkenaniew, at Menominee Indian Reservation, Neopit, Wis., Nov. 30, 1913.]

Mr. AYER. Do you live around here?

Mr. OSHKENANIEW. I live away up on the northeast end of the reservation.

Mr. Ayer outlined his plan of recommending tribal cattle, asking if they had good hay up there.

Mr. Oshkenaniew said this plan would work out well up where he lived.

Mr. AYER. Are you a farmer?

Mr. OSHKENANIEW. Yes, sir; I farm about enough to make my living—19 acres. I raise potatoes and corn.

Mr. AYER. Don't you think that every 40 or 80 acres on this reservation ought to be run out and estimated and the good grazing land, etc., all be found out?

Mr. OSHKENANIEW. Yes, sir.

25. MITCHELL OSHKENANIEW.

[Report of Mr. Edward F. Ayer's interview with Mitchell Oshkenaniew, at Menominee Indian Reservation, Neopit, Wis., November 30, 1913. Mr. Oshkenaniew was accompanied by Mr. Joe Waupano.]

MR. AYER. Are you working for the company?

OSHKENANIEW. I was, up to January, 1912.

MR. AYER. Couldn't you continue?

OSHKENANIEW. Well, at that time I was working here as timekeeper for this mill. In December there had been a payment and the Indians got only \$5 per capita and they were not satisfied. Many of them did not have clothing on their back. Now, many of them came to me, and when I heard their pleas it touched my heart, and I felt it was my duty to help my people. I went to Washington to make my complaint to the commissioner as a delegate for my tribe. When I got down there we presented our complaint in writing. When I came back to my position soon afterwards I was told by the foreman that he had been instructed by Mr. Nicholson to keep the time himself.

MR. AYER. Then they must have found they could get along without you. Did you accomplish anything by going to Washington?

OSHKENANIEW. We got \$40 per capita.

MR. AYER. Don't you think you would have gotten this just as well without going to Washington?

OSHKENANIEW. I don't know; but that was our impression, that we got it because of my going there.

MR. AYER. How long was it before you got back and asked for your place again, after you left your employment to go to Washington?

OSHKENANIEW. It was not more than six weeks, from the time I left until the time I came back.

MR. AYER. What were you getting a month?

OSHKENANIEW. Two dollars a day—\$52 a month.

MR. AYER. Well, now, have you ever worked for the company since?

OSHKENANIEW. This spring I made an application to Mr. Adams, and he told me that when there was an opening he would let me know. I have been waiting, but haven't got a place yet. Now, when I came back from Washington in the spring there was a clerk that had been discharged, and I made application for that, but I got a letter from Washington that Mr. Nicholson had not recommended me. So I couldn't get the place, although I made an effort.

MR. AYER. What would you suggest as a better way to handle this work?

OSHKENANIEW. The Indians have been clamoring to log. When they did log they prospered, they had money in the spring to buy cattle and corn, and they worked their farms more than they do now.

MR. AYER. Do you refer to the general body of Indians or just the contractors?

OSHKENANIEW. The whole tribe.

MR. AYER. Do you know how many Indians have worked here the whole year, on the average?

OSHKENANIEW. No.

MR. AYER. Well, I can tell you—about 270. Now, would it be good business to let these contracts to Indians to log if the mill could do it cheaper by having their own foremen and working the Indians as laborers? Isn't it the truth that there are more Indians working now than ever?

OSHKENANIEW. Well, yes; now they are picking things up around here, but there are not many in the woods.

MR. AYER. Yes; but I refer to the last year, and they have been making money.

OSHKENANIEW. Well, when they were logging they raised more farm products than they ever did before.

MR. AYER. Would you recommend that the mill be stopped and the logs sold?

OSHKENANIEW. No.

MR. AYER. Every Indian—man, woman, or child—can have access to these books whenever they want it, and you get statements showing the accounts of this mill. The Government issues these statements, and the books at the mill are immaculately right. The books are kept by the United States Government and audited by the United States Government. If any man should issue a false statement, he would be sent immediately to the State's prison. If any man tells you that these books are not true, he doesn't tell you the truth.

OSHKENANIEW. Now, if they have so much money, why are they starving the Indians?

Mr. Ayer. That isn't the fault of this mill. The Indian agent here can not spend a cent except by the order of the Indian Department. The Government is at fault. Now, you have been perfectly frank with me, but you haven't told me what Mr. Tyrrell, the attorney, is here for. Don't you want to tell me?

OSHKENANIEW. Well, we are being mistreated; we want an attorney to speak for us. We can not speak as well as an attorney. We want justice, and we are not being treated right under the present way of doing things. We want our lawyer to get justice for us, and we will keep him and pay him until we get justice.

Mr. Ayer answered that, in his judgment, the right way to handle their grievances was to take them up with Washington, not to give their money to the attorney.

25A. LETTER FROM OSHKENANIEW.

[Copy of a letter dated Neopit, Wis., Dec. 3, 1913, from Mr. Mitchell Oshkenaniew, of the Menominee Indian Tribe, to Mr. Edward E. Ayer, Chicago.]

NEOPT, Wis., December 3, 1913.

HON. EDWARD E. AYER,
Railway Exchange Building, Chicago, Ill.

DEAR SIR: I wish to write to you in connection with D. F. Tyrrell, an attorney whom you have met, when you were here. You have had a long interview with him in the office at Neopit and no doubt you may have formed your opinion of this man by the way he talked and his demeanor toward you.

I met this man three times during the past year. I saw him once before on the train in 1909, and that was the first time I ever met him. I did not know what kind of a man he was until yesterday.

He sent word to me at my home in the afternoon that he wanted to see me at the hotel where he was stopping at Neopit. I went there, and when I entered the house I saw several Indians sitting in the room and he was the central figure.

He then told me certain things which indicated that he was displeased because he had been informed that I was working against him.

I did not like the way he talked to me in presence of the Indians, so I asked him for a private interview. We then went into a room by ourselves, and I asked him for an explanation and it only resulted in a quarrel between I and him. He told me what he thought of me and I did the same.

On the morning of December 2d I was at the same hotel where Tyrrell was stopping. Two Indians were getting ready to go in the woods to look over the timber, and before they went Tyrrell was giving them instructions what to do there.

I find that many of the Indians actually believe Tyrrell is a great lawyer and that he can accomplish much good for the Menominee Indians. Thomas Prickett, an adopted member of the Menominees, has been working hard to create such a feeling among the members of the tribe.

Tyrrell is very active at present, evidently for the purpose of getting the good will of the tribe. I understand he is trying to get a contract from the Menominee Indians to employ him as their attorney at an annual salary of \$4,000 per annum.

Members of the tribe told me that in compliance with Tyrrell's request they had collected \$150 in cash for him a short time ago, before he went to Washington, D. C. After his interview with you in the office at Neopit Monday morning, December 1, 1913, the Indians said that Tyrrell told one of them that he had convinced you that he was right. When this news went around, the Indians felt glad; and as a result, I hear, the Indians are going to collect some more money to send Tyrrell again to Washington, D. C.

I do not desire to say anything against any other attorney who may be associated with him along this line; but as regards Tyrrell it is my impression now that he is not the right kind of a person to have anything to do with the Menominee Indians, and his connection with them ought to be severed at once for the good of the tribe.

Yours, truly,

MITCHELL OSHKENANIEW.

25B. FROM NICHOLSON REGARDING OSHKENANIEW.

[Copy of letter from Mr. A. S. Nicholson, superintendent Menominee Indian Mills, to Mr. Edward E. Ayer, dated Neopit, Wis., Dec. 4, 1913.]

DECEMBER 4, 1913.

HON. EDWARD E. AYER,
Chicago, Ill.

DEAR MR. AYER: For your information, last evening, December 2, about 6 p. m., Mitchell Oshkenaniew came to my house and desired an interview, which I gave. His story was about as follows:

He and Mr. Tyrrell had a quarrel. It seems Oshkenaniew, who is head and front of stirring up present trouble, spoke disparagingly of Mr. Tyrrell's ability on the showing he made. Tyrrell accused him of working against him and of commencing to stir up feeling against his securing a contract with the tribe. Hot words passed. A division ensued between the Indians, with much feeling for and against. In course of his remarks Oshkenaniew said that Louis La Frombois had mortgaged his house in Marinette for \$200, which money was sent to a Mr. Ballinger, an attorney in Washington, to secure his interest in having an investigation made. He intimated that in the meantime efforts were to be made here to create feeling and get up any evidence they could. Mr. Ballinger is connected with Mr. Tyrrell.

Last night, and for several nights, meetings were held to take up a collection to pay Mr. Tyrrell; about \$150 was collected and, Oshkenaniew says, paid to this man.

He says also that Tyrrell was trying to get a contract with the tribe, \$4,000 yearly, and double that amount if successful. I told Oshkenaniew plainly that he came to me too late; that I had known for some time the interests that lay behind the attacks and the purpose desired; that I was not interested in his statement if he had any to make and was undergoing any change of heart he could write to you, and I gave him your address. "Where rogues fall out just men get their dues."

I could have showed you wherein every man connected with these complaints have been caught by me in crooked transactions and been disciplined. Yes; even jobs put up by them in hope that employees here would fall. That is the hopes of these kind, that they can get rid of anyone who will not work their way. If I were to start at the head of the list I could go down the line and find each one an utterly unprincipled character, who has been caught redhanded and the evidence in the office.

Pardon me for bothering you, but I thought you might like to know of this development.

Sincerely, yours,

A. S. NICHOLSON, *Superintendent.*

P. S. An example of the pity of this whole thing and how it rebounds against the interest of the Indian in actual money loss, wages, and all considered.

Mr. La Frombois, who paid the above-mentioned money, has just been to the office and asked to have no deduction for house payment, supplies, etc., taken from his wages this month, as he says child is very ill and he wants to use money to consult specialist outside. He had but very little wages coming, due to fact that he was not working, but spending his time running around.

Such situations as this are always the case; the poor Indian is induced to part with his money on any pretext; then when the emergency arises he has nothing.

Sincerely, yours,

A. S. N., *Superintendent.*

25-C. OSHKENANIEW.

[Correspondence between Mr. Edward E. Ayer and Mr. Mitchell Oshkenaniew regarding the law firm of Tyrrell and Ballinger.]

NEOPIT, WIS., *January 7, 1914.*

HON. EDWARD E. AYER,
Chicago, Ill.

DEAR SIR: One of my friends told me a short time ago that he asked Thomas Prickett how Tyrrell was getting along at Washington, and that Prickett told him that Mr. Tyrrell stood very high above all others in Washington, D. C.

And yesterday I had a talk with another member of the tribe who stands close to Prickett. I asked him what promises Tyrrell was making to the Indians as to what

he could do for them, and he told me that Tyrrell was trying to get annuities for the Menominees, and that he was also endeavoring to have an investigation made of Neopit affairs; that last Friday or Saturday Louis La Frombois received a letter from Mr. Tyrrell stating that the Assistant Commissioner was favoring him; that the Commissioner of Indian Affairs was out West at present and that when he returned he was going to take up Menominee matters; that he was coming here to make an investigation; that it made no difference what Mr. Ayer or anybody else reported, that the Commissioner of Indian Affairs was going to make the investigation in person and that he was going to the bottom of the whole business.

Yours, truly,

MITCHELL OSHKENANIEW.

Hon. EDWARD E. AYER,
Chicago, Ill.

NEOPIT, Wis., *January 7, 1914.*

DEAR SIR: In addition to what I wrote to you this day I will say that during the month of September last Mr. Webster Ballinger wrote a letter in which he stated that the "Total loss to the tribe during five years' operations, approximated \$1,429,426.43."

Yours, truly,

MITCHELL OSHKENANIEW.

Mr. MITCHELL OSHKENANIEW, *Neopit, Wis.*

CHICAGO, *January 8, 1914.*

DEAR SIR: I have your letters and contents noted. Will you kindly let me know who Mr. Webster Ballinger wrote the letter to, mentioned in yours of January 7?

Yours, very truly,

EDWARD E. AYER.

Hon. EDWARD E. AYER, *Chicago, Ill.*

NEOPIT, Wis., *January 13, 1914.*

DEAR SIR: Mr. Ballinger wrote the letter to me.

Yours, truly,

MITCHELL OSHKENANIEW.

27-A. TYRRELL.

[Copy of Mr. D. F. Tyrrell's letter to Mr. Ayer, dated January 27, 1914.]

GILLETT, Wis., *January 27, 1914.*

Mr. EDWARD E. AYER, *Chicago, Ill.*

DEAR SIR: In looking over my correspondence I find a letter from you, containing the following inquiry, is unanswered.

"You mentioned several times at Neopit that you thought there was plenty of Indians there perfectly capable of running logging camps and to take almost any position around the plant or in the woods. Would you be kind enough to give me the names of those you think would be capable of that kind of work? I certainly agree with you that wherever possible such Indians should be worked in as good places as they can fill."

With reference to your inquiry, I desire to reiterate that there are plenty of Indians perfectly capable of running logging camps and of filling many positions now held by white men on the reservation. I would not attempt to name those men, for they are well known to Supt. Nicholson, and you could very easily have ascertained the truth of my statement by a little inquiry while upon the reservation.

Very truly,

D. F. TYRRELL.

26. TYRRELL.

[Report of Mr. Edward E. Ayer's conversation with Mr. D. F. Tyrrell, attorney, of Gillette, Wis., Dec. 9, 1913, in Mr. Ayer's Chicago office, in regard to the affairs of the Menominee Indian Reservation.]

Mr. TYRRELL. Mr. Ayer, during the course of the last conversation which I had with you while at Neopit and just before you left, you referred to the critical condition of the Menominee Tribe due to the great dissatisfaction and the feeling of unrest which prevails throughout the reservation. If I remember right you referred to the condition of the tribe as being dangerous. You also made the statement that you felt that I had a great influence with the tribe and that, owing to that influence, I was the proper person to quiet this feeling of dissatisfaction and unrest, that I should inform the members of the tribe that conditions were all right on the reservation, that the tribe was making money and urge the members to turn their attention to agriculture.

I answered you, at that time, that I did not consider the conditions on the reservation all right, that I did not consider the tribe was making money, but on the contrary losing money, that I did not consider it advisable to urge the members of the tribe to go to farming until the conditions existing on the reservation had been corrected and means provided whereby they would be able to support themselves while clearing their farms and to build the necessary buildings and provide stock and farm machinery, and that, even if the necessary means were provided at this time, the move would not be successful so long as the tribe felt that tribal property and funds were being wasted through the operations at Neopit and that, as an honest man and an attorney, I could not look the members of the tribe in the face were I to advise them to lay down before the rights, for which they were striving, had been attained.

Your reference to the influence which you felt I had with the tribe, coupled with the fact that I realized as you did the gravity of the situation existing on the reservation and the further fact that I felt I had, in a large measure, the confidence of the tribe and that they were depending upon me, locally, to safeguard their interests and advise them honestly and fearlessly, placed upon me, Mr. Ayer, a responsibility which I carried from your presence and which I felt was paramount to any personal interest which I might have in the premises.

I felt then, as I do now, that the great dissatisfaction existing throughout the reservation must be checked and wiped out at once or great injury and suffering would result, not only to the tribe but also to the individual members thereof.

Moved by these considerations, I took up the matter with some of the leaders as well as other members of the tribe.

The result was that we arrived at the conclusion that this discontent and dissatisfaction would remain unless the conditions and circumstances which brought it about were eliminated.

We also arrived at the conclusion that there was but one of two ways by which the existing conditions could be eliminated:

First. By a thorough investigation of all tribal matters. It was suggested, however, that this investigation would undoubtedly prolong this feeling of dissatisfaction and unrest for a considerable time, as it would simply lay the foundation for the remedial measures which would of necessity have to be taken in order to change the conditions existing, and which would, of course, take time.

Second. By allowing the tribe to employ attorneys, through whom and by whom the conditions prevailing upon the reservation could be made known to the department, and the proper remedies applied by the department, and by allowing the tribe, through their attorneys, to sue for the loss which it has sustained through the operations at Neopit, and by the department taking the tribe into its confidence to the extent of listening to and investigating any recommendations that the tribe might make with reference to the men placed over them.

It was felt that if this last course be taken it would ultimately attain all the results of an investigation, but with this in its favor, that it would quickly allay this excitement and dissatisfaction, as the members of the tribe would feel that their rights were being safeguarded and that gradually and in an orderly manner the conditions to which they are subject would be righted.

The conclusion was also reached that unless this last course was adopted the only other course was an immediate and thorough investigation of tribal affairs.

Mr. AYER. Who are the "leaders of the tribe"? Give me their names.

Mr. TYRRELL. There are a great many. I could not give you all the names. There is Lewis La Frambois, Tom Prickett, Adolph Amour, Tom La Bell, Joe Longley, Joe Wabeno, Paul Tebeau, Sam La Frambois, Frank Gauthier, Mose Tucker, Simon Beauprey, George McCall, Joe Law, Paywaukee, Weeskesit, and many others whom I have not space to mention, but who enjoy in an equal measure the confidence of the tribe.

Mr. AYER. What is the nature of these claims that the Indians have got? Do they want to collect for what was lost before the mill was started, by the wind break, and that sort of thing?

Mr. TYRRELL. We have put that out very fully in our application to the department. That is, the operations at Neopit have entailed a loss of over \$1,000,000, including the loss entailed by the blow down and from the lumber operations since the building of the mill.

And then there is a bill pending before the department for the enrollment of a large number of half bloods, and the members of the tribe desire every man to become enrolled who can show a legitimate right to be there, but not otherwise, and they wish to be protected against those who have no right.

Then there is the claim which the tribe has against the Government and the Stock-bridge Indians for the timber cut on what is known as the "Two Mile Strip" as well as many claims growing out of tribal treaties.

Mr. AYER. What do you think about the recommendation I am going to make, that the Indians take up farms? Don't you think it is a good one?

Mr. TYRRELL. I believe that, applying to a large number of the Indians on the reservation, it is the ultimate solution of their social welfare. I am also convinced, as I have stated before, that I do not consider it advisable for the Indians to undertake farming on the scale contemplated by you, until the conditions now existing on the reservation are remedied and also help extended to them. I firmly believe that if the existing conditions are not as I have suggested, a number of the Indians would select their farms and begin next spring, providing, of course, that some method was devised by which they could get help.

Mr. AYER. Have you taken this up with the department?

Mr. TYRRELL. No. That would really be a matter that would be outside the scope of our employment, although it could, if desired, be made so; that is, to make suggestions, etc., as to the methods by which help could be extended to those farming.

If you feel that you can recommend that the tribe be allowed to employ its counsel and allow them to work out a solution with the department of the conditions existing, which would relieve the intense feeling among the tribe, and also recommend that the department as much as possible take the tribe into its confidence and pay attention to and investigate the recommendations which the tribe might consider proper to bring to the attention of the department, with reference to its employees, I feel that a good step would be taken.

Mr. AYER. Well, now, the matter of expense is a very important one. Now, what would the expense be?

Mr. TYRRELL. Our contract provides for \$8,000 a year for Mr. Ballinger and myself. We contemplate a local man near the tribe, and Mr. Ballinger in Washington, to attend to matters there, we jointly to handle the litigation of the tribe.

Mr. AYER. Well, of course, you would be the local man?

Mr. TYRRELL. Yes; I would be the local man. I feel that, while I have their confidence, I have no "cinch" on the tribe. They are at liberty to hire anyone they please.

Mr. AYER. When I was at Neopit you said you had never received one cent of compensation.

Mr. TYRRELL. Up to date I have never received one cent of compensation. About three and a half weeks ago I received \$125, which had not been sufficient to meet my expenses to Washington, and since that time.

Mr. AYER. That came from the tribe?

Mr. TYRRELL. Yes; at the present time I am guaranteeing my expenses myself, and if they are not paid by the tribe, I have to foot them myself. The tribe is under no legal obligations to me for any services I have rendered them to date, but the conditions there have been and are so urgent that they require immediate attention, so much so that I could not allow the lack of money on the part of the tribe to keep me from doing what I could to see that justice is done them. Mr. Ayer, I don't know whether your attention was called to the condition of the Pagan Indians or not?

Mr. AYER. No; I didn't have the time to look into that.

Mr. TYRRELL. At Mr. Wyeskesit's request, I visited several families of Pagan Indians. I was able to endure but three families; their condition was so pitiful and demanded so much relief that I simply turned sick and I could not continue visiting the remaining families there.

Mr. AYER. You are perfectly satisfied that every opportunity was given you at the plant to present your case, under the circumstances?

Mr. TYRRELL. No; I can not say that, from the fact that I could have kept your men there at least two weeks.

Mr. AYER. That would not have been consistent.

Mr. TYRRELL. But when you consider that the conditions to which we called attention are practically the prevailing conditions over the entire area of operation, you can see that we could cover but a small fraction in the few hours that we were out. I must say that I do not consider that "every opportunity" was given me to present our side of the case. Far from it, Mr. Ayer.

Mr. TYRRELL. What would be your position in this matter, if I may ask?

Mr. AYER. I would not recommend any attorney or attorneys, because it would be a division of authority; there would be two different interests that the Indians could go to. Every time an Indian was discharged or anything else he would come to his attorney and that would mean a report to Washington, and the superintendent would make another; and it seems that in any business the more divided authority you have the more you are liable to fail.

Now, if the United States can have a man that is taking care of 40,000,000 feet of lumber a year practically, cutting, sawing, and selling, and then have charge of 1,700 people, sick, lame, and lazy, and all for \$3,500, I certainly would not recommend that they pay lawyers \$8,000 a year for presenting the ordinary business of the tribe which the Government is under obligations, through their Indian Department and special agents, to attend to themselves. I would not recommend anything of that kind.

Mr. TYRRELL. As far as the "division of authority" is concerned, I don't believe there is any contract that contemplates any division of authority and there certainly would not be any.

Mr. AYER. Yet you say that you would present their grievances, etc. If you had the power and right to go in on the reservation and listen to the complaints of those who had a grievance. The Government has their agent there for that purpose, and I don't believe the Government has any right to permit the Indians to spend any money for attorneys. If there are individuals that want to employ attorneys and they have money to pay for them, all well and good.

Mr. TYRRELL. Now, if you knew the number of cases I have had to attend to which demand attention—

Mr. AYER. You mean in this tribe? Then in that case you have been doing part of the duties of the Indian agent, of course.

Mr. TYRRELL. No; not at all. These are matters which the Government should have attended to, but which the Government never has and I don't believe the Government ever will.

Mr. AYER. Am I to consider, then, that you haven't any faith in the Government ever settling these claims?

Mr. TYRRELL. I have absolute faith in the present officials at Washington connected with the Indian Department. But I don't believe that it is possible for the Indian Department, through its local department, to obtain for the Indians that full measure of justice which an attorney, who is employed for the tribe and paid out of tribal funds, would secure.

In connection with this "blow down" in the logging district, some of the members have approached me and stated that they felt the tribe would desire the settlement of these claims, with the exception of that of Cook, upon the basis of what was actually due the contractors at the time of the closing of operations, with a reasonable per cent interest, providing we as their attorneys would stand between them and the suing contractors.

Mr. AYER. You think they would save money by having you do that?

Mr. TYRRELL. Now, understand, Mr. Cook, outside of his own claim, has claims, I have been informed, aggregating in the neighborhood of \$100,000, if not \$130,000, I don't know. I believe those claims could be settled for an amount in the neighborhood of \$25,000 to \$30,000, or, in other words, for the amounts due the contractors at the time of the closing down of operations, with a reasonable per cent of interest. Understand, I am not referring to Mr. Cook's personal claim in this connection or at any time with reference to these claims, but simply to those claims which, I have been informed, Mr. Cook has taken to collect for certain other contractors, including a number of Indians.

Mr. AYER. There were certain deductions made by Mr. Brannif from all the claims the reasonable cost for running the logs, as they never were run. Then, in addition to that, there was penalties for cutting green timber, etc., which he docked them for, too. Now, isn't it a fact that the Government has considered these deductions and if anything ever is paid out it goes to a few white men. How do you save money for the tribe in that way?

Mr. TYRRELL. Mr. Cook's claims call for not only the amount actually due, including those deductions, but also claims for damages for breach of contract, etc., which bring it up from \$25,000 to \$100,000 and over. Now, if it is considered that these claims are proper to be paid it means that the sum of \$100,000 will come out of the

tribal funds. Now, if the tribe is allowed their attorney, and they can settle for \$25,000, they are saving the difference between \$25,000 and \$100,000.

Mr. AYER. I see. The Government claim that they don't owe anything. Now, these men who have \$100,000 damages, etc., you think you could get off?

Mr. TYRRELL. These Indians who have contracts and who have certain amounts coming on these contracts and which have been held back have stated to me that they thought the tribe would be willing to vote for settlement on the basis of what they claim was actually due, with a reasonable per cent of interest, providing we represented the tribe to see that these conditions were brought about which I have just outlined.

Mr. AYER. Isn't it a fact that the Indian Department and the Government claim that they don't owe these claims? Isn't it a fact that if they paid any money on those claims of any name or nature it would only go to the few loggers who have those claims and would come out of the funds of the Menominee Indians?

Mr. TYRRELL. The position I take is that the Government will have to pay every dollar due on these contracts. Certainly it has got to come out of the tribal funds, but they would be willing to pay this, because there was a chance that they would have to pay more if they went to law.

Mr. AYER. Mr. Tyrrell, your coming here to discuss these things with me is perfectly proper.

Mr. TYRRELL. I take it so.

Mr. AYER. And it is just as proper for me to disagree with you.

Mr. TYRRELL. Absolutely. Mr. Ayer, I have given this matter a great deal of time and attention, through the fact that I feel that these conditions must be done away with, the tribe must be quieted, and as many as can must be taught farming.

Mr. AYER. Yes; that is one of the first things I took up with them.

Respectfully submitted.

27. TYRRELL TO BALLINGER.

[Copy of Mr. D. F. Tyrrell's letter to Webster Ballinger, Washington, D. C., which was forwarded to Mr. Ayer by Mr. Sells, with letter dated Dec. 4, 1913.]

GILLETTE, WIS., November 24, 1913.

WEBSTER BALLINGER,

Washington, D. C.

MY DEAR BALLINGER: Have just returned from Shawano, where I met a number of Menominee Indians. They inform me that for some time now the officials have been cleaning up around the mill yard and in the woods.

In the yard they have been cleaning up and piling all pieces of lumber that they had allowed to be scattered around, and have covered up other lumber with refuse and ground-up wood from the "hog" in order to get it out of sight.

In the woods they have commenced to drag in the logs that they had left to spoil, and to deck up other logs that they can not drag in now.

In other words, they are "slicking up" for some reason, and to my mind it looks as though it was in contemplation of a "visitor."

The Indians tell me that this cleaning up had never been done before, so it looks as though something has been "tipped off" to the officials here. This is an additional reason why I should be allowed to point out these things.

This information should be brought to the attention of Mr. Sells at once so that he will know just what the conditions are here. I am writing this at 11 p. m., at night so that it will go on early morning train, and reach you as early as possible. One Indian informed me that he had been discharged because he had objected to their covering up a large number of pieces of 2-inch hemlock plank.

Be sure to bring this matter to the attention of Commissioner Sells without delay.

Yours, in haste,

(Signed) D. F. TYRRELL.

MY DEAR MR. AYER: Herewith find copy of a letter which may be of interest to you. The letter has just reached me, and I am sending same to you at my first opportunity, that you may have the benefit of its contents.

Sincerely, yours,

CATO SELLS, *Commissioner.*

HON. E. E. AYER,

Care Menominee Mills.

28. MRS. MARBLE'S REPORT.

[Report of Mr. Edward E. Ayer's interview with Mrs. Myrtle W. Marble, field matron, Keshena Indian School, Keshena, Wis., regarding her work on the Menominee Reservation.]

MR. AYER. How long have you been in the work and do you notice any improvement following your labors?

MRS. MARBLE. Approximately six months on this reservation. Much of my time has been consumed in getting thoroughly acquainted with the Indians—especially the women—acquiring their good will and confidence and learning of the actual conditions in the homes. I have found but two women openly hostile toward me on my first visit, but these have been won over and now welcome me into their homes. One of these so far forgot her antagonism as to respond within to come and see me when she came to the agency. Both are among my very best friends on the reservation. The women generally have taken kindly to my suggestions and it is a daily occurrence to have them call on me for advice or assistance during sickness, trouble, domestic or otherwise.

MR. AYER. How many homes do you try to visit?

MRS. MARBLE. About 100 within a radius of 8 miles of Keshena, the agency, and my home. Occasionally I make trips into more remote sections, but not regularly.

MR. AYER. What percentage of these Indians are Pagans?

MRS. MARBLE. Probably 200 or thereabouts in the entire tribe, but less than half of these are in my immediate vicinity. While not so ready to understand and profit by the instruction given, the Pagans are fully as friendly, welcoming and expressing appreciation of whatever kindness shown them.

MR. AYER. How often do you drive out to the reservation?

MRS. MARBLE. Every day, unless the weather is extremely bad, with the exception of Saturdays and court and council days, I try to drive to some home. Sometimes this is not possible, owing to the fact that I have no team for my exclusive use. When no team is available I walk to the homes at and near Keshena, making periodical trips to the Menominee hospital. Saturdays and stormy days I devote to keeping up a record of my work and answering the demands of the older people who come every alternate Saturday—ration day.

MR. AYER. What do you teach?

MRS. MARBLE. Everything which I think will aid them in making their homes better and more healthful. I touch on ventilation, sanitation, disposal of garbage, cleaning yards, screening windows and doors, cooking, nursing, and cleanliness of person and house. I urge the women to be more systematic in their work—although there are many very good housekeepers among the Menominee women—and encourage them in the practice of their native arts—basketry, buckskin and bead work, rug making, etc., and endeavor, so far as possible, to find them customers for their finished products. In this connection I am contemplating the establishment of a sort of small exchange where those who wish can exhibit their handiwork, with prices displayed, and thus procure customers which would not be possible if the work were kept at their homes until called for.

MR. AYER. What do you do for the children?

MRS. MARBLE. First of all, if health and age permit, I seek to get them into school, if they are not already regularly attending. In case parent or child objects, I try to overcome their objection by showing the benefits of education. Failing in this, the matter is reported to the office at Keshena, with all the facts obtainable, and the task of getting the child into school—or hospital, if health requires—is taken off my hands. I have found few cases, however, where the parents were unwilling to listen to reason, and a friendly feeling exists toward all schools.

MR. AYER. What action do you take when you discover contagious or infectious diseases?

MRS. MARBLE. In cases of grown persons the matter is reported to the agency physician, who calls immediately if not already familiar with the case. Where children are concerned, they are induced, if possible, to go at once to the hospital, where examination is made for tubercular symptoms with a view to getting the incipient cases into sanatoriums for systematic treatment. Where trachoma and other diseases are found, the agency physician handles the case. I have personally conducted a class of six tubercular pupils to the sanatorium at Fort Lapwai, Idaho, and the reports brought back from that institution make other parents more ready to send their children away from this damp climate for treatment.

MR. AYER. What do you do for the cases which remain at home?

MRS. MARBLE. Give all possible instruction and care to prevent the communication of the disease to other members of the family. Urge other occupants to stop indiscriminate expectoration, the use of suitable sputum receptacles and the burning

of the same, the extermination of the bedbug as one means of preventing the spread of disease. I have personally applied and distributed considerable quantities of bedbug exterminator and found much satisfaction followed its use.

MR. AYER. So far as you have gone, what do you consider the greatest need in the homes?

MRS. MARBLE. I would say that the installation of screens on doors and windows, if properly used, would accomplish the greatest good to the greatest number. I find it impossible, however, to secure this simple improvement, especially among the aged and infirm Indians, for the reason that they have no means of purchasing the necessary material and are unable to do the work personally. Outside a little output of bead and other handwork these people have no means of earning money, and such annuities as they may receive are required for their subsistence.

I shall suggest to the office that a special effort be made to issue the necessary lumber and wire screen to these people who are unable to buy, when in the judgment of the superintendent, physician, or field station proper use will be made of such materials. There are sufficient tribal funds to take care of matters of this kind, and the aged and infirm ones are to receive little benefit from this fund unless a portion of it is expended for such protection to health as herein indicated. Many of the most needy and deserving ones—especially among the full bloods—will not make their own wants known, and too often their necessities remain unsatisfied until those in authority accidentally discover conditions and apply relief.

MR. AYER. As a tribe what do these people need?

MRS. MARBLE. To be taught to live together more harmoniously and with less of jealousies and fault-finding among themselves. They are, as a people, quite good to their children and to the children of others, but slow in helping each other in sickness and need. Very often they are willing, but lack leadership, therefore do little. I have made especial effort along this line and have found many of the people quite ready to assist as soon as they understand what to do. The tribe also needs some good wholesome instruction on the marriage relation, which is not held in as high esteem as it should be, although from reports conditions are much better than formerly. The parents also often permit their children to marry at a very early age, and the sending of the larger girls away to nonreservation schools seems to be absolutely necessary to prevent their marriage before womanhood is reached.

MR. AYER. What do you think of the establishment of a girls' cottage home, where everyday housekeeping could be taught in a general way?

MRS. MARBLE. This is an idea I have already proposed to the agent. In the average Government or mission school, where girls are taught to work with modern equipment in all departments, they complete their education and leave absolutely without knowledge of the things actually required in the homes to which they are most likely to be called. Of what benefit is it for a girl to know how to operate a bread-making machine or a steam mangle, when she is confronted at home by the simple bread pan and the rusty flatiron?

I am not disparaging the usual method of education, but I think the average Indian girl would be able to do more toward civilizing her people if she were taught to make the best possible use of the appliances and furniture at hand in the average home, rather than to pursue the higher education when it will not be required later. It is impossible to make farmers out of all the Indians; so it is difficult to make finished domestic science graduates out of all the girls.

29. NICHOLSON'S REPORT.

[Report of Mr. Edward E. Ayer's correspondence with Mr. A. S. Nicholson, superintendent of the Menominee Indian Mills, at Neopit, Wis., arranged in the form of questions by Mr. Ayer and answers by Mr. Nicholson, dated between the 3d and 15th of December, 1913.]

Q. You are the manager and agent of the Menominee Indian Reservation, are you not?—A. I am superintendent of the Menominee Indian Reservation, in general charge of Indians, schools, and the Neopit lumber operation, subject to the instructions of the Commissioner of Indian Affairs, Washington, D. C.

Q. I find a good deal of complaint about your management here, by a portion of your charge. In a general way please tell me why these men that are dissatisfied are not at work.—A. The complaint on part of certain Indians against my management is not a fair one. The sentiment shown is purely manufactured, based on no reasonable shadow of substance. It is purely the effort of the dissatisfied and those whom I have been compelled to discipline in my capacity as administrator of law and regulation, and teacher. It is simply the effort of the few unprincipled faction leaders.

Seizing upon every pretext, twisting everything that will suit their purpose, manufacturing false evidence, preaching waste of Indian money, not borne out by the record. Distorting every conceivable kind of thing to gain their ends in order to influence and poison the minds of their simpler fellow Indian. It is openly charged I spend the Indian money as I see fit, while as a matter of fact I can not spend one cent without previous authority of the office for which purpose and strong justification must be shown and account by sworn voucher in turn for every cent for which I am bonded to the Government for \$100,000.

To understand better, the Indians are told on failure or delay in payment of annuity that their money is all gone, that I spent it. As a matter of fact their interest money amounts to about \$80,000 yearly, which, under the law, the Secretary of the Interior alone is authorized to expend for the best interests of the Indian. The expenses of agency and Government schools is about \$50,000 per annum. This includes salaries, supplies, rations, and clothing, support of hospital and employees, road improvement, and such general expenses as repairs, etc. The Indian gets considerable part of this in shape of wages. There is \$18,000 expended on contract mission school facilities. The Secretary is authorized, if he sees fit, to distribute the balance in shape of annuity. They received such only for past 6 years out of accumulated interest at rate of \$30 per head—man, woman, and children. The tribe first logged in 1880. It took them 30 years to roll up the sum of little over two million dollars. One million dollars is invested in this town and plant as a combined educational and business proposition. When I came here the tribe had in the Menominee log fund June 30, 1910, \$1,296,558.82. I took hold October 1, 1910, taking place of former manager. Each year since has seen progress. The first year was a stupendous task on part of everyone to shut out loss. Remember I had to sell a product manufactured before I took hold, costing more than it would bring in market. Notwithstanding this the figures of the books of the Treasury Department, Washington, D. C., show this fund to have on date of June 30, 1913, reached \$1,737,550.67, a net result benefiting the tribe of \$440,991.85; at this rate their original fund will be duplicated under 10 years.

Copies of the official letter showing these figures were placed in the hands of the tribe and the perfectly unscrupulous persons interested immediately preached to the Indians that figures were not true, that books were doctored, etc. Every appeal to passion, prejudice, argument is used in secret to acquire following. It is pointed out that whites have all the good jobs and Indians all the poorer ones. They are told they are competent to perform the work, etc. In addition to this, certain powerful interests outside who have always been opposed to this plant add fuel to the flame by misrepresentation to the Indians, having, I am almost certain, Indians here in their employ. Again, there is the liquor and traders' interests whom I have to combat, punish in first instance, and discountenance Indians going into debt in second case. They preach against the agent in charge, saying he is the one responsible for lack of money to spend. How powerful the Indian takes this can be easily seen when he goes in a store to get a line of credit. The records of the men interested are and have been records long before I took charge. In fact, to curb them was one of the reasons I was sent out here. Without going back, let me give you a short record of a number who talked with you—records in black and white of this office.

Thomas Prickett.—Part blood; Indian blood, very little. Member of tribe since 1911. No visible means of support, yet dresses fairly well. Travels to and from town. Spends railroad fare, pays hotel bills, and gambles. Was on our pay roll prior to June, 1911, in capacity of warehouse helper. Has not worked since. This was right after he became member of tribe. Was insurance agent and collected; defaulted in making payments to company as per their letter on file and records showing payment by Indians to him and failure to remit the company causing cancellation and consequent loss to the Indian. Record of Indian court shows borrowed money from Indian women, promising repayment and failed to do so. Record of Indian tribal councils shows attempt at assaults on Indian women. Father of children not through marriage. Refused to live up to promise of marriage. Has never applied for work since, although opportunity always open.

Frank S. Gauthier.—Employed as trespass agent at \$900 per annum in 1910; performed no work. Removed. Employed as clerk Keshena Indian Agency, \$720 per year. Stole liquor from vault placed there as evidence in liquor cases. Drunk many times. Warned, took pledge, violated it immediately. Guilty of secretly formulating charges, false, against employees whom he disliked because of having to report him. Dismissed. Employed as warehouse clerk. Duties, billing supplies and shipping. Careless; made many mistakes, which might have proved costly; resigned. Indicted by United States grand jury for introduction of liquor on the reserve, and only this summer trying to induce his own son and another boy just home from school to drink intoxicating liquors. Guilty of supplying liquor to other Indians for past years—not

working. No visible means of support. Dresses well; always has money. Travels much to outside towns, paying railroad fare, hotel bills; even trips to Washington, Milwaukee, Ashland, and other places.

Mitchell Oshkenanew.—Tribal resolution in record prohibiting him from ever representing the tribe in any capacity, due to past misdeeds. Employed as a check timekeeper on late men and those going out before time at mill. Found not to be on post. Many mistakes made in time book of which he had control. Guilty of making charges against employees from manufactured evidence known to be false. Does not pay debts. Left employ of mills of own accord in February, 1912. Has not worked since. Lives and dresses well. Takes trips; apparently has money. No visible means of support. Known to be addicted to use of liquor. In beastly condition while on trip to Washington. Has drank liquor since here on reserve with other Indians. Perfectly unscrupulous. Secretly stirring up race prejudice at all times. Has not applied for work since until last month after a talk with me in reference to Indian Office letter to discipline him on account of failure to live up to contract.

Charles Chickeney.—Employed as forest guard, \$720 yearly. Dismissed after many overlookings on account drunkenness. Have letter in my file complimenting me in treatment of him. Employed now in yard as subforeman shipping. Careless in work. Has to be continually watched.

Simcon Beauprey.—Employed \$720 yearly. Dismissed account habitual drunkenness. Supplying liquor to Indians. Guilty of failure to perform duty assigned. In case where he was to actually scale timber being shipped he copies from books of purchasers, then spreading story of shortage in scale, charging collusion of operation officials. Has not worked for some months. Evidently has plenty spending money, as he goes about same as others.

Sam Laframbois.—Works fairly well when he finds congenial employment. This is usually when gasoline loaders are working. No sense of responsibility. Was in charge of loader only short time ago. Same was being moved. He forgot to have the guy line removed; result, one man killed instantly, three other lives endangered.

Joe Longley.—Rarely on our pay rolls. Plenty of work for him. Lives well; no visible means of support. Guilty of drunkenness and introduction of liquor on the reserve. Took a bark-contract job a short time ago. Bark in woods found to be so piled as to have hollow spaces inside. As he was paid by cord, evident intention to beat the scaler, which was done. Walks around criticizing everything, but producer of nothing himself. Had a job on tie making. Utterly failed to live up to specifications. Had to cancel contract—lost money.

Mose Tucker.—Farmer at Keshena. Takes jobs here in winter. Has logged. Loaded out bark on contract. Never yet has he come out even. Exercises no executive ability over work. Lets supplies go out of camp without charge to his men. Struggles in a way, but likes the easy route. Somewhat inclined to follow prevailing sentiment rather than lead. Inclined to get into debt in spite of supervision. Does not like to be cautioned. May be considered as trying to better himself.

Paul Tebeau.—Mixed blood. New member of tribe. Has been foreman of timber makers. Supposed to scale and keep time. Failed utterly. Found him taking record as furnished by the purchasers of timbers. Employed as foreman of Brush Burning Co. Careless. Let fire get away from him, then tried to cover up by spreading story operation deliberately set fire to pile logs. Nearly a costly venture for us. Had contract to complete cut of old camp 12, taking small b dies timber left there; failed to complete job. Claims could not secure labor. Yet aspires to foremanship. Indians will not work for him. Responsible for story of waste at old camp 12 site, when as a matter of fact he left himself the stuff he was to take in as per contract. Critic in everything. Tried and found wanting in every test given.

Tom La Bell.—Farmer, hotel keeper, jobber. Addicted to use of liquor, gambles, aspires to be a leader. A part blood. Failure as logging contractor. Does not work except at times. Uneducated, talks much. Took logging job last winter; had to be carefully watched on supply bill or would run behind; careless as to detail. His excesses of past unfit him for hard work. No morals.

Adolph Amour.—Pond foreman. Works fairly well. Aspires to better job. Uneducated. Careless on details and property in charge. Addicted to use of liquor. Wastes his earnings. Jobber. Never made good, ran far behind, possesses no executive ability; can not handle men, no sense of responsibility. Did not think it anything out of way that he caused a loss of several hundred dollars, but if saw white man absent from post 5 minutes would point it out as stealing time. Has been often away from his post minutes and hours. Thinks it all right to put in time and draw pay.

George McCull.—Now camp foreman. A logger in a way if continually supervised. Cost of his camp greatest on the works. No business head. Have to continually drive him. For instance, was formerly foreman our camp 5. Cost of feeding teams showed

very excessive. Investigation showed me going to town, liquoring up, and returning with a team and driver. Paid by bag of oats or bale of hay out of barn. That was reason of high cost. He neither reported liquor trespass nor could he account for high cost although nothing was wrong. Could see no wrong in entertaining friends or visiting teams at expense of operation. Let him out and am now trying him again, although he has to be continually watched.

Frank Keshena.—Had been assistant time clerk. Made mistakes. Used liquor considerably. Liked to go to town frequently. Dismissed for inattention to duties. Given a chance again as camp property clerk. Duty to check up wagon account. Knew a clerk was short, did not report because was an Indian. Property clerk; another Indian reported he was dishonest about it. Let him out. Gave him another chance as clerk and scaler on jobbers, because Indian jobbers he evidently allowed more than full scale in instances. Scaled twice, in bark jobs when bark slipped out actual measure much less than his scale turned in. In count and inspection of posts careless. Jobbers would have been overpaid only that a dishonest clerk found his mistake. Liked easy job and good pay. When exposed and by him not reported to office, but told Indians, making a story plausible, as if fraud was intended.

Charles DuQuaine.—Part blood. Indian very little. Camp clerk. In town every evening until late at night. Gambled. Caught stealing money and property of operation. So far has not made good. Utterly immoral. Made no effort at going to work since dismissed from former job. Careless at work. Scale not depended on.

Charles Frechette.—Mixed blood. New member of tribe. Has been camp foreman. Cost was highest of operation. Aspires to superintendency, although not fitted; no business ability. Critic of superiors, not always following instructions. Follower of Frank Gauthier, instrument in his hands in spreading talk and creating dissension. Works fairly well, that is, steadily; now to enslave pond crew. Cost of this work some cents per thousand higher than it should be. Has not the knack of getting work out of men.

Peter La Motte.—Chief of police. Inclined to exercise authority at inopportune times, saying he was so ordered. Again fails to call my attention to cases wherein friends of his are concerned. Has been logging jobber; failed. Likes to mingle in town gossip too much. Not independent, inclined to follow rather than lead. Likes to liquor up. No sense of responsibility; fails to set example to his Indian brothers. One of those who preach tribe money is being wasted because the interest money is not handed over to them. Gambles. Will not do real work. Prefers easy job.

Louis Kequotosh.—Works at odd times—likes to liquor up. Wants easy money. Has been given jobs tie making, logging; failed utterly in each. Runs into debt. Rarely pays bills—says he is going to some time. Owes mills. Trades every one where he can get a cent credit. Plenty of work but does not like the steady grind of real work. Drives round considerably.

Reginald Oshkosh.—Was employment agent, \$900. Performed no work. Dismissed. Liked to liquor up. For a long period stirred up trouble in order to get easy job and good pay when he could have time to look after tribal interest, as he put it. Finally made up his mind to go to work; is now foreman of small crew. Does not think it wrong to take time off. Is progressing and all in all is better leader for Indian good than any of other so-called leaders. Is hereditary chief of tribe. As such thinks he should be superintendent. In fact has a scheme whereby certain leaders should be made superintendent in charge, superintendent of mill, logging superintendent, etc., and then white men hired to do the work.

Louis Laframbois.—Part blood. New member of tribe. Employed as pond man. Wanted to be fireman in mill. Weighs 250 pounds. When it was pointed out that firemen have to clean boilers and it was a physical impossibility for him to do this work, he thought the mill superintendent might do this. Sulky; complains he should have better job. Several chances given him to show capability, but did not like the steady grind. Claims able to make \$3 to \$3.50 a day outside, but stays here at \$2 a day. Owes many bills, poor pay. Continually in mixup in towns; social relations. Says is citizen; advises Indians to resist discipline. Only just before your arrival here was one of party arrested coming from town drunk as a lord. He had the money—admitted buying liquor, but refused to tell who supplied same. Busy always in fomenting trouble. Not inclined to steady employment. Criticises but does not realize the value of applied industry. Wastes his earnings. Responsible in part for stories to Indians—books of mills doctored and that funds are spent and wasted.

Joe Law.—Does not work. No visible means of support. Gambling seemingly his only industry; continually driving around. Lately seems to take some interest as member of Indian Fair Association.

These are only a few that I quote. I could go on with record of 60 or more. In most part misled and misinformed but willing to believe in hopes of a change whereby

they would not be continually prodded to start straight. All would like a good job at good pay—easy work, etc., but none display intentions by industry to earn promotion. They have no sense of responsibility. Do not see wrong on their part, but find it readily on part of others. I have found Indians taking hay and feed from barns. They did not call it stealing on their part; sort of figured they had a right to it. I have placed Indians in charge of property and they could see no reason in having to account for it. Some one took it.

I have had Indian clerks deliberately make mistakes; for instance, in supplies charged white employee one price for supplies and Indians another, and then run around shouting discrimination against the Indian, not knowing their purpose had been discovered and proper correction made. I have had Indians in semiexecutive or clerical capacity and when legitimate error found fail to report same, but instead spread rumor that things are wrong and point these instances as example. Many and many of incidents such as this have I investigated and corrected and of the many investigations on part of inspectors of Indian Service and others. The time has yet to come in which something wrong is to be found. In fact, the position of the management here has been strengthened in each and every case.

Every Indian who wants work can get it. No Indian can be produced who can say that he applied to management here and could not get a job and at once. It may not be the ideal one he desires, but it is one which I think measures up to his capabilities or one in which I can test him for his fitness. No man is barred, not even those dismissed for cause. In a case like this I simply start all over with the person on a new line to make something out of him and this not once, but after failure upon failure. I have not always held the employer's point of view in mind, but ever before me is my semidual capacity of teacher. I do not aim to say that my management is perfect, or that this plant is an ideal business corporation. The law makes this an institution for industrial development of the Indian, and as well a business proposition in which they are expected to benefit financially. No man need suffer for work, nor do they. True they may say so—think they are entitled to better jobs, higher pay, etc., which is their cry, but is only subterfuge. There is waste here. Some waste of energy, some might put it that could be used better in other directions, such as business management. The Indian knows nothing of efficiency of organization. Here we have a business institution and school combined at least one-third to one-half of its organization children and its efficiency crippled to that extent, and yet, all things considered, it is a question of its not being a good investment. Could you have come here with me three years ago last June and saw the condition of management, organization, financial condition, and internal relations of plant to town and its home life, then I feel your visit here in 1913 would have witnessed a great change for the better. More and many more Indians learning the value of steady employment. Homes that were hastily constructed one-room shacks, now the neatly constructed modern four, five and six room cottages.

Conditions in home life are so completely altered that they could not be recognized. Dusky in features but white in fashions, living, and conduct in a fair way. The throwing of Indians into contact, socially and industrially, has worked a wonderful change, but it's only in its infancy. It costs something, it may be said, but is it not money well spent? I doubt if there is any tribe in America wherein greater change has taken place than here in the short period of existence of this plant. Morally, of course, conditions are bad. Waste or imperfect organization, etc., exist, but day to day sees a bettering. Some tightening of the machine; some improvement in the efficiency of the operation. The greater part of the work has been done. What remains now is to perfect or pick up the loose threads. Waste has been spoken of; the great pity of it all is that this is true, not as the ringleaders of the present movement would have, but waste in shape of idle Indians, who are led to believe through agitation that the millenium is at hand. New men are to take hold. Good jobs are to be parceled out to everyone; waste not only in wages lost, caused by this unrest, but waste of our efforts to get them to labor and after getting started the lessons lost by having to start all over again.

The time records of these mills show in all these periods the loss of at least 100 Indians, who disappear from the pay rolls waiting for the great change preached, which never comes. Many investigations have been held. It is time something happened once and for all. Either charges are or are not true. The way should not be left open for the future. If things are fairly well, no matter who is on the job, the office should discipline those who are a real hindrance to the progress of the Indian toward industrial self-development. Summed up, these men are not at work because they will not work, and those who are working hold out their hands for a work to which they are in no manner fitted. I can comb over the employees of this plant and not find one

white occupying a place not absolutely necessary, while it is a matter of record that this year I more than once strained the organization by depending too much on the Indian, in view of the labor scarcity.

Q. What is the past experience of this plant on logging contracts to Indians?—A. This plant's experience on logging contracts to Indians has not been at all satisfactory. The law prohibits the employment of white labor; yet the Indian jobber seeks it at once. He likes to drive round, put on a foreman, timekeeper, clerk, instead of handling work himself. Careless of supplies, overlooking the fact it is part of his cost. Our contracts are invariably handed out on a basis of \$6 per 1,000. We do work for \$4.75 per 1,000. Usually jobs are comparatively easy, yet through lack of business management the Indian fails.

The records of this office back this up to the extent of thousands of dollars claims filed against the tribe from old logging days. What success was found in contractor breaking even or a little better was due to the fact that I, personally, supervised their work and accounts, guaranteed them labor, loaned them supplies and outfit. In fact, financed them. Being notoriously careless in payment of obligations, labor or otherwise, it was necessary for me in each and every instance to handle the work for them. The records here vouch for this.

Q. They also seem to think that they at least ought to be made bosses of the camps in the woods. From your experience on the reservation the last three years, do you think this is practical?—A. This question is answered in part by my answer to Question No. 2. It is not practical, but can be experimented with. We have now Camp 15, white foreman; Camp 16, Indian foreman; Camp 17, Indian foreman; Camp 18, Indian foreman. Over these are the logging superintendent, Mr. Brigham, assisted by Mr. Peterson, woods foreman, who lay out work, plan roads, and continually supervise in order to hold cost within reason. They log haphazardly; not one ever had experience in railroad logging; could not even attempt to build a spur. We are endeavoring to teach them, but they can never attain the proficiency of white men, because lacking initiative, being too far set in lines of old days. Not a single one could be counted on alone to fill the demand of the mill daily as its consumption demanded. We usually man our camps on basis of three white foremen to two Indians, after things get going the logging boss taking personal charge of the two Indian camps.

Q. How many thousand feet of miscuts have been sawed in the past year?—A. Miscuts sold in business year ending September 30, 1913, 241,140 feet; brought average of \$10.05 per 1,000. Total, \$2,425.46.

Miscuts in yard end of business, 1913, 251,500 feet. All sold; not yet shipped out; at advance of \$1.50 and \$2 per 1,000 over price of 1912. These are some of piles you looked at. Miscuts are principally hardwoods, percentage is about five-eighths of 1 per cent, which is reasonable, I think.

Q. How much wastage was there on your inventory or in other words, shortage?—A. 415,159 feet shortage, as follows:

	Feet.
Our inventory Oct. 1, 1913.....	38, 555, 148
Manufactured during the year.....	31, 840, 896
	<hr/> 70, 396, 044 <hr/>
Sold and shipped.....	40, 126, 035
Used in construction.....	1, 528, 870
Shortage due to breakage, handling, and perhaps estimate of lumber in pile, good part of which is piled, all widths and lengths.....	415, 159
	<hr/> 1 70, 396 044 <hr/>

Q. What is your system of selling and collecting? Please answer fully, describing methods of selling the square timber, prices, etc.—A. Under the act of 1908 products of the mill must be sold to highest bidder for cash. Sales regulations provide advertisement of the products to be sold. Sales held weekly. Proposals to purchase may be made in form of letter stating species, quantity, grade, etc., desired, with price offered. This may be accepted or rejected by board of sales, myself and sales agent acting as such, if the market values are or are not as we know them. Sales over \$10,000 referred to the United States Indian Office for approval. Sales may be made between periods if price offered is not less than the best previous bid or in good market value for the product. Payment must be made before purchased product leaves the

mills. Deposit may be exacted if deemed necessary to protect mill at time bid is accepted. I inclose copy of the sales regulations herewith. The selling of board timber is conducted strictly on the lines above. Advertisement is made of quantity to be offered. Circular letter sent to those in this trade known to be interested, with advice sale will close on a certain day; bids then canvassed and award made after approval by the United States Indian Office if \$10,000 or over. Specifications for sales: Write bidder to bid for timber made f. o. b. cars by us; hewed in woods and loaded by the bidder and made woods and loaded on car by us. The price accepted is that deemed best for the operation. The last large sale of waney pine board timber was made at a price of \$70 per thousand feet, purchasers to make and load on cars himself. A small sale was made this year at \$75, but as market for this class of stuff is dead this year no large sale could be effected. Rock elm timbers—process of sale same as above. Prices offered this year, 50 cents per cubic foot, buyer to make and load on cars himself. Prior to this year this class of stuff brought 42 to 47 cents per cubic foot.

Q. What is your idea about helping the trustworthy, industrious Indians to become farmers and give them say \$700 or \$800 out of their individual share of the money in Washington to the tribe's credit?—A. I firmly believe that the industrial advancement of the Indian demands that he be given financial assistance to better his condition. He can only learn the value and uses of money by the actual handling of it himself. Trustworthy and industrious Indians should be assisted by the placing to their individual credit a certain sum of money which they could invest to improve business, farms, and home conditions. While it is true at present that the farmer here may be helped to the extent of \$600 by a loan from the tribal funds which he must repay in four years, he acquires no practical education in the use of this money because he does not have the actual disbursement of same. Every Indian should have the opportunity, if his stage of competency warranted it, to have at his command under supervision \$600 in cash with which he might make the effort, whether that be in purchase of tools and equipment, stock, building of house, barn, etc. As it is now the Indian is struggling to farm 5 to 60 acres, as the case may be, often with no team; agricultural implements the simplest, such as plow and cultivator. No proper buildings for housing the produce he raised and no means to add to his stock or equipment. As a result, even the result of his meager effort in scratching the soil, no matter how bountiful, are often wasted through lack of means to gather and store them, while if in possession of the simpler proper equipment, fair buildings, a larger and richer harvest could be made with the Indian that much nearer the self-supporting stage. Even the most advanced Indian would have a reserve fund to fall back on to purchase seed in the event of crop failure or to tide him over unforeseen emergency, thus preventing him from hanging the millstone of debt around his neck (which it will take \$200 for one Indian to overcome).

Q. There seems to be a great desire of the tribe to have a portion of this money. If the Government should give every Indian on the reservation \$500 of their money, in the usual way, what method do you suggest of conserving this amount, taking care of that portion of it given to minors and men addicted to the use of liquor, etc.?—A. By all means give the Indian, or place to his credit in bank, \$600 of his money, to be disbursed under the individual Indian money to plan. It is a very simple matter to conserve this. The Indians could be divided into classes. Those requiring no supervision, those requiring partial supervision, and those who would waste their resources. Checks could be made against waste very easily. For instance, Mr. Indian has \$600 to his credit; he comes to the office and applies for \$300 to purchase plow, cultivator, wagon, harness, cows, or any articles within reason. If a competent Indian he could submit bills showing purchase and produce same; if wisely spent he could be congratulated. He could be advised of best market and best articles; if necessary he could be accompanied by an advisor. If the second class Indian desired, say, \$100, he could be allowed to purchase under office supervisor. As he demonstrated his ability to handle his money he could be advanced.

While for the Indian who would waste or misuse, the needed articles could be purchased for him and an endeavor to advance him could be made by an apprenticeship or record taken of him as to his industrial earning capacity. In all these cases advances or reductions could be made as the case demanded. The individual Indian money regulations cover these cases only that the strings should be loosened by allowing the agency office more leeway in granting of allowances without reference for approval to Washington.

Q. What do you think of the idea of selecting four or six of the highest grade young men on the reservation and sending them to Wisconsin Agricultural College at Madison to take a full course in forestry and agriculture, that they may come back to the reservation and teach all those farmers that there are, or will be, the proper methods

of farming, raising and care of stock, etc.?—A. The idea of selecting a certain number of the best young men of the reservation and sending them to Madison is a thoroughly practical one and of far reaching effect in helping settle the Indian problem. Education is the way out. The burden of complaint of the product of the higher Indian schools is that there is no opportunity for a higher practical education. First principles are instilled, but of scientific knowledge that could be put to expert use there is no way out. Just enough is gone into to give the Indian a desire for a finished education. An agricultural and forest course for the Menominee Indians could not but result in untold returns for this Indian. Natural resources are in the soil and in the timber. It would be a practical direct method multiplying Indian effort untold fold. The harvest of such an idea put into effect can not be told.

Q. What is your idea about the advisability of having the entire reservation thoroughly examined, and timber upon it estimated, showing the quality of land also, in each station?—A. Sound business sense demands that the resources of any affair should be as accurately determined as is possible. No working plan is sound unless so done. I am on record in this office advocating and recommending (see my letter of office dated May 19 and April 5, 1911). It should be a cruise by practical men such as the modern lumberman employees. There are 5,760 forty-acre tracts on the reserve. Good cruisers should make 16 forties a day here. Cruise should embrace topography, character of soil, and natural resources of the reserve. A working plan was laid out for here but for some reason was overruled. I have the opinion of expert men that this procedure should be undertaken at once. The information would be of untold worth to our business, to the agency and to the Indian.

Q. I understand that the snow went off earlier than usual this last spring. Is that true? If so, was it any hindrance towards cleaning up the logs cut during the season? Have there been any efforts made during the summer and fall to skid such logs, getting them ready to haul the coming winter? Are there any logs left, if so what quality and amount—that has been cut during the seasons of the winters of 1910, 1911, and 1912? Is it possible to get any that may be left to the mill? Was there any effort made to keep those that were left from being wormed by the worms?—A. Our records here show heavy thaw which did away with all sleigh haul the first week of March, 1913. Prior to this there were thaws which made it necessary to cart snow for bad places. Days were frequent in which only part of a day could be used. The freeze during the night would be overcome during the day by the sun. This necessarily caused a hindrance to perfect clean up of winter's work. Again it left logs in pot holes, covered by snow on the low moist places where they could not be reached.

In spring pine logs were peeled and skidded. I think it is a fact that a bare half dozen logs escaped these efforts to protect them. Again it must be remembered that these logs are in the midst of a live operation. Such logs as left after sleigh haul would be taken if in reach of summer's logging operations and if not possible for this would be taken in the first of the coming winter, as winter logging will start in where last winter's operation left off. I hand you a map showing in legends the various camps worked from 1910 to date. Here are marked the approximate spots in O where logs lay that committee showed your men. You will notice in each case that same are on the very edge of each season's work. This stuff all shows in territory of camp 15 low cutting. It must be also remembered here that camp 15 was built in 1912; its work was planned to extend over the east half of section 16 to and including 15 and the south half of section 10; when well under way instructions were received on January 1 from United States Indian Office that pending a suit to be entered in United States Supreme Court during this summer to decide ownership of land, no timber was to be cut. This caused a complete change in work of this camp. Its work had to be shifted in other directions. It must be remembered that the mill eats up a certain quantity of logs every day.

Hauling in heavy snow over railroad is tough work. Shortage in labor which was a fact during the last year and a half means every available man to be placed where timber can be got, to keep the mill supplied. The emergencies at the particular moments must be held always in mind. Cost of taking out individual logs, deterioration if any, if permitted to lay for a period, cost of peeling, skidding up to prevent deterioration, all must be weighed and counted for the best interest of the operation. There are some logs left in edges of last winter's work that will naturally be taken this coming winter, that could not be reached in summer logging except at too great a cost.

This winter's work will care for such logs as were viewed by your men, which are on edges of cuttings of past works. Camps 15, 17, and 18 will take the stuff. The year 1910 witnessed a great fire here, roughly designated in map ———. Portions of this territory had been frequently burned over prior to this year. The operation commencing winter of 1910-11 was to put camps in and save what valuable stuff we could. In the meantime we had to go to Washington for legislature to build railroad, which was obtained finally and June 14, 1911, saw the first logs going to the mill. There was considerable burned in 1910 and year previous. Such as would pay was taken.

It must be remembered in 1910-11 and up to October, 1912, prices on hemlock was such that it was difficult to realize bare cost of manufacture ranging from \$5.50 to \$7 on No. 3 and other grades correspondingly to after October 1, 1910, to \$13 per M. Market is now failing. Such hemlock as would not pay was left. It was not a great amount. It is at the south and west edges of cutting of old camp 12 and south edge of old camp 11. The good stuff here will come in this winter. We took some in 1911 and 1912. I am inclosing you scale of logs found in woods by our men, with notes of their actual conditions. These are the logs which were pointed out to justify the charge of "great waste." They are all there are. A comparison of descriptions of land on which they are will show them in the very heart of the present works. Some have been decked as witnessed by your men, and note should be made here that this work was a legitimate part of the work, not an effort to hide anything, as was endeavored to be claimed, because it was not known that any one was to look at them, or that any "much ado" was being made about them. In fact, we knew nothing of the prowling around of any one to discover so-called waste. Hewn square timbers, two or three, were pointed out as waste left. I would have you know that our books show every timber paid for whether taken or not, and even these left will be taken in by us, because abandoned by purchasers, with added profits to us.

Again, that any damage resultant from square timber cutting was charged and paid for, and our books show the money received and deposited. Again, it was pointed out that the pine fallen was all cut by square-timber men; this was not so: our own camp 15 cut the greater part of pine, as report shows. It couldn't be taken on account of condition of the ground, due to early break up of winter and in part shift of camp's scene of work.

Q. While there I told all the Indians I came in contact with what I was going to recommend. You may tell them that I shall also recommend that each member of the tribe be paid the sum of \$500 out of their tribal funds in Washington, but I shall frame this with the original idea of advancing money to men who will clean up the land and go to farming. Those men should have an additional sum of \$300 to \$400, to be charged to their individual share of the funds remaining in Washington. What is your opinion on this?—A. The advancement of money to Indians from the tribal funds for the purpose of encouragement along agricultural lines would be a splendid thing. Legislation may be necessary; if so, it should be obtained at once. Something should be done to put the Indian on an independent basis. I might as well bring my boy up to 42 years of age, not permit him to handle a cent, buy all his necessities, do all his business for him, not let him know anything of the responsibilities of life, and then turn him loose. Think you that he would make the average citizen, or that he could then go on competent to perform his share in our world's work?

Each Indian is entitled to a certain share of the funds on deposit in Washington. In addition, he has practically a source of perpetual income here. If he is ever to handle same a start should be made. This start taken with men who in a limited way show desire to reach higher heights should obtain results.

Q. In the contracts made for lumber and pine in the tree, were those contracts left strictly in conformity to the rules of the department for selling lumber at the mill?—A. Contracts for waney board pine timber and rock elm timber have always been made in strict conformity with rule of the department for selling. Note in proposal sales was sent to every one known to be interested in this line of product. A weekly ad is carried in lumber-trade journals and a large bi-monthly ad that sale of products are held here. Bids were received from the known purchasers of this class of product. They were opened on a selected day and award was made to the highest bidders, as our records will show.

Q. Will you be kind enough to give me a little synopsis of your method of taking care of the old, sick, and young Indians who can do nothing for themselves on the reservation: is there money appropriated for that, etc.?—A. Any Indian, old, sick, or disabled in such manner as to be unable to provide for him or herself on report to the agency office, and if possessing no immediate relatives or friends who will look out for them, can be put on ration roll and receive two weeks' rations of flour and pork enough for subsistence for this period, and even with relatives or friends this allowance can be made. Under special authority clothing can be issued for their comfort as well as other necessities. Two physicians are continually on the rounds, as well as an Indian policeman, three farmers (white), each having a district of his own, and a field matron. All required to note and report and aid in deserving cases.

In cases where there are no friends or relatives, we have a hospital which takes care of cases of this kind. In cases of children, orphans, they are placed in schools Government or mission, as is desired, where they receive clothing, food, and quarters etc. Those with disease are sent to hospital for care and treatment. In case o

first steps of tuberculosis, if consent can be secured, they are sent away to recently established sanitariums for special care and treatment.

Notwithstanding all this, it would be better perhaps if this class of Indian had set aside his share of his own funds and be permitted to live out their lives in their own way, in their own homes. Naturally, on removal to hospital in many cases they feel the separation and absence from their own settlement and homes; of course there are cases where separation is justifiable and really should be enforced, in protection to the lives of others with whom they might come in contact. In many cases we find persons of this helpless class, putting up with poor food, poor clothing, etc., and loss of many comforts they could obtain, if they had money of their own to prevent separation from friends and home.

Q. We understood, while at Neopit, that the season broke up very early last spring. How much earlier than usual and what effect did that have on temporarily leaving logs in the woods? How many feet of logs have you cut since you took possession of the mill? Give me this by seasons, please, 1910-11, 1911-12, and 1912-13.—A. Our winter logging season of 1912 and 1913 broke at least two to three weeks earlier than usual; thaws developed in the latter part of February that made sledding hard, and on or about March 4 a heavy thaw set in that carried the snow away and softened ice in swamp and creek; that made work dangerous and impossible. We can usually count on work for clean-up, etc., up to latter part of March, even at times after April 1. A let-up on sleigh haul of two weeks, a week, even several days, in case such as this, can result in leaving of logs in woods, in places preventing skidding out and in others preventing sleigh haul. Start of winter has something to do also with conditions at end of winter. If the hard frosts come early enough to well freeze the ground before snow falls, naturally thaws at end of winter do not have much effect, as ground remains frozen longer. Last fall we had a freeze up, then a spell of soft weather, opening up things again, and in December the snow came, covering the ground before it had a good chance to freeze. Naturally this spring the melting snows had much less distance to work down to open up ground, and in moist, swampy places thaws practically opened them up at once.

I am inclosing herewith statement of logs cut, by species and camps, during seasons of 1910-11, 1911-12, and 1912-13.

Q. Give me your version of the trouble that has arisen on the reservation. How many Indians have been interested, and what have been the characters of those that have been fomenting this trouble, and has there been, to your personal knowledge, any white influence brought to bear?—A. Your question is in a way a hard one to answer. There is, and always will be, trouble with a certain class, because in a way there is no discipline that can be administered while the office permits itself to be deluged with complaints of any nature, investigates them, and then fails to rebuke severally those responsible. If, after due investigation, it is found that there are no reasonable grounds for complaint, as long as any half dozen dissatisfied and unscrupulous are permitted to continually roam around, making capital out of anything they can pick up, make up, or distort into something that will answer their purpose, no trouble can be had in acquiring a following.

The trouble of to-day, the culmination of a series of complaints, started about April or May, 1912. It was engineered by Oshkenaniew, Prickett, McCall, Tucker, La Bell, Gauthier, and several others. Prickett has always been restless, but amounted to nothing until joined by Oshkenaniew. The others simply trail along or are handy tools, as the case may be. Since the doing away of the old business committee of 15, at time of visit of Senate committee in 1909 or thereabouts, for crookedness in tribal matters, those members always longed for a return to the old days of easy money, etc.

My attention was directed first in this connection to a complaint handed in by them while on a trip to Washington in 1912, as above mentioned. Again through the secret influence of outsiders being exerted in here against the operation and the superintendent, myself.

But to start from the commencement. These people could not have acquired any influence at all had it not happened that in 1912 it was found that owing to their interest, money having been all used up in payment of annuities for the several years previous and for the legitimate expense of the agency, schools, etc., that there was no available surplus that could be set aside to make a payment. Oshkenaniew, Prickett, and his kind immediately set up a cry that money was all wasted and spent and were aided in this by interests outside opposed to the plant and the administration of Indian affairs here. It was proposed to send a delegation to Washington, D. C., to look after their interests. They went, aided by a substantial collection furnished from outside. I know personally traders in town who contributed, because they told me so later. Prior to this I had found that the Menominee Indian mills had used to pay labor a sum of approximately \$125,000 of interest money, which I claimed

should have been taken from the fund direct itself, as authorized by law, and that this money should be replaced to interest credit. This was done prior to start of the committee to Washington, D. C., where, of course, they accomplished nothing, but did claim on their return that they had got back a large sum of money and that payment would be made, etc. This gave them a footing; ever since they have added to it. Without their ever having examined the books of this mill, they charge fraud and waste. In spite of official letters from the office and from Representative in Congress check up the office, they interpret to the other Indians wrongfully, saying it is proof, etc.

The Indians say, or are told, that Mr. Hollister, of Oshkosh, who has passed through this reservation a number of times, has told them that they are not getting half enough for their lumber. He is quoted as saying that the big pine being sold is the cream and should bring \$125 to \$150 per M. and other species corresponding, that the cutting of this timber is robbing the yard, etc.

One of the many things I instituted on my arrival here was the prohibitions, as set forth in regulations, prohibiting anyone trading with Indians to come on reservation while a payment was going on. They had been in the habit of appearing at agency, and when check was about to be handed over to Indian take same and give the Indian so much credit on old account or new. Naturally, they did not like this.

Another thing was the so-called traders' claim, referred to me for investigation and approval. I recommended against its payment, and this was sustained on appeal to the highest authority, the Indian Office, office of the Secretary of the Interior, and even the Comptroller of the Treasury. They even petitioned Congress for legislation to pay; but it was denied, although later they did get through a bill permitting the matter to be referred to the Court of Claims for review, where it now is.

These claims consist of supplies furnished to Indians for years back. It was claimed but I could not find Indians who could say they ever received same, or if they did, double and triple prices were charged, and in no case could payment be found as a credit, although the Indian claimed he handed his checks over to them. Included also were the claims of the logging contractors on the blown down district jobs in 1905 to 1908. You know some of its history. Contracts were given to Indians; they were permitted to take in white partners. In cases, double scales of timber cut were made, in others they failed to live up to contract at all; the easiest work was done; green timber cut. The white man supplying charged up all kinds of supplies, expenses, etc. The Indians got nothing. It all resulted in the Government sending in special men, who went over all the works, checked up accounts, and withheld payment of enough money to pay for violation of contract, etc. These men appealed to every source—brought suit, which was thrown out of court, etc. Heading this crowd was one man named Cook, notorious in this county for timber operators. His headquarters is in Oconto. Mr. Tyrrell is his personal attorney. Mr. Ballinger, the Washington Representative, selected at that time, I suppose, because of supposed influence with his uncle, who was Secretary; but the same Secretary has sent me on the job out here.

A year ago a hearing was held in Shawano to take testimony of Indians who were partners. Ballinger and Tyrrell were both there, representing Cook. Strange to relate—and I have it on pretty good source—Cook had bought up the greater number of claims. Many Indian partners hitherto opposed were found in favor, because it was promised to them a share if any money was recovered. These attorneys also learned that the Menominees had certain interests at stake, such as the disputed school and swamp lands, claimed by the ———, and at once became hungry for large fees as attorneys to represent the Indians. Mr. Ballinger approached me while in Washington, so I know his interest. I have simply opposed them, and in the meantime have been instrumental in having suit brought in the United States Supreme Court for test and am now waiting decision.

This brings in another element. The enabling act for the State of Wisconsin set aside section 16 of the public survey and all swamp land, to be used for educational purposes by the State, unless those lands were otherwise set aside. The Menominee Reserve was created before the State. Attempt was made to extinguish the Indian title by treaty, which was never accomplished. By error in giving patents for other lands patents were also issued to State for certain lands within this reserve. Lumbermen discovered they were valuable for timber and bought them from the State.

They cut on some and were stopped later in cutting on any. They have sat down, awaiting the time if nothing was done, whereby these lands would fall into their hands. Naturally any agent who is looking after Indians' interest—took steps to protect the Indian's rights, would be disliked. It seemed the practice of old days that the white got all he wanted in here, and no reason could be seen why this policy should not continue. I reckon I changed it somewhat after efforts to get decision or actions to determine ownership, which resulted in nothing. I started camp 15 on section 16,

and prepared to cut, well knowing that these lumber interests outside would be compelled to go into court to stop it or yield up their claim. They went into court, where I think they lost. At any rate, I have this to go on: There is on the calendar of the supreme court of this State a test case which has been on the docket for years, but which is continued along each session, because these people feel they would lose even in their own court. Naturally, I have the antagonism of these persons concerned on the outside, which is considerable.

Again, there are the Stockbridge land cases. Patents in fee were given to these Indians in 1910 under this agency. Prior to the delivery of patents, certain lumber interests in country around here went to the Indians and for \$100 or \$200, usually handed out in silver dollars, secured a deed and promises to turn over patents when received. You can imagine what this sum of money meant to an Indian who had been accustomed from childhood up to receive \$2.50 from the Government per year as his interest money.

Enough that they sold for a song, or in cases were so drunk they did not know. I held these sales prior to date of approval of patents illegal. The department so held, I was instructed to bring suit to set deeds aside, which I have done and this month case comes off in United States district court, Milwaukee. This compelled these lumbermen and land grabbers who took in forties \$5,000 worth of timber and then not completely cut over to run around to secure new deeds. In some cases it was arrived at by questionable methods, but in most the Indian received added compensation. Naturally all this did not make any very good friends for the superintendent here. These are the principal cases, outside the fact that a sincere and successful attempt is made to make this mill pay, which some interests think should not be done, and which nothing has yet been shown me could not have been done from the start. I could name endless little things that all tried to make the present superintendent a very undesirable person to be on the job here.

The head and center of the present kick are a certain half dozen. Prickett is now the nominal head, Oshkenadew has been the chief brains, but within the last few days he has dropped away. Backing these men up are L. La Frambois, Joe Langley, F. S. Gauthier, Alex. Kaquatsh, Tom La Bell, McCall, Paul Tebaue, who are the real heads. Their following numbers perhaps 60, possibly 75. All of these attracted because of resentment to the agent for punishment of offenses against law and order, whether it is liquor, trespass or enforcement of payment of just debt; with exception of Gauthier and perhaps McCall the ring leaders are all late comers in the tribe. As one Indian puts it, these who took their interest and money out of tribe in 1849 resided away where they made a failure, learned the tribe had gotten wealthy, came back now for recruitment, tell how successful they were away, want land and funds divided up again to be in their way again successful, so that they will again have to come back and live on us. They are all part bloods nearly white, the undesirables of the reserve, always on the lookout for easy money to be made without work and evidently successful.

In my years here, I have felt after each putting forth my efforts for the protection of the Indian property or interests, the added influence of the outsiders effected. While not actually having the facts in my possession about money being paid to certain ones here—I know it. I know of conferences in Shawano and here, which Mr. Tyrrell has attended. It is coincident with Mr. Hollister's appearance on the scene on or about the same time. I know that these Indians have had the counsel of certain attorneys in Shawano, who are the attorneys of the certain lumbermen effected. For instance, only to-day Mr. Tyrrell visited Shawano, met a Mr. Derasier, a part blood Menominee (not member) and received from him \$200, for which Tyrrell in turn gave his note indorsed by some one else in Shawano who was well enough known to have it taken at First National Bank, Shawano, the head official of which, by the way, is one of the claimants of land here and its stockholders more or less interested.

The ostensible purpose of this \$200 is that it is to be used to send Mr. Tyrrell and certain witnesses to Washington, D. C. to head off any unfavorable report. I know, and there are witnesses here, who know of Derasier's going to Shawano on Saturday to arrange for money. I know that on Saturday Mr. Prickett phoned Mr. Tyrrell to be in Shawano to-day, using words to this effect: "Meet me in Shawano Monday, everything all right, it will be there," and this p. m. Mr. Derasier in this office admitted he had loaned Mr. Tyrrell \$200 on interest and admitted putting note in bank duly indorsed, but said he did not know who indorsed note.

The story given out is that the Indians are to repay the money to Mr. Tyrrell and he in turn take up the note. I have not yet examined the register of hotel; perhaps I can get later from bank the evidence of note, if it is there, and dates of conferences of past with names on register. I have felt at times the unfriendly influence of the Wisconsin & Northern Railroad exerted through Indians who have always been

in their seeming employ because I was instrumental in turning down a bill for several thousand dollars charges rendered covering usual wear and tear on car service on their flat cars, while engaged in hauling logs here at commencement of operation, and also the cancellation of a contract which compelled the hauling annually of not less than eight million feet of logs over their road at \$1 per M, figuring I could do it for less money, and now actually do at 35 cents per M.

I know when men can go around spending money, who have no visible income, that some one must furnish it. I know that Hollister has in his employ the husband of a member of the tribe who has never lived here. His name is Edick. He is their foreman or superintendent. I know this man's brother-in-law's members of the tribe are here; one of them, Tourtillotte's, was a former employee in old days at this agency but was dismissed. I know that nothing goes on here but that these people furnish information outside and have felt their influence in opposition in here.

I know that all these same interests in the past have caused the sending of complaints through Senators La Follette and Stephenson, which personal interviews on my part with office in Washington have set straight and caused everyone to keep hands off. The change in administration gives them new life. Now instead of last administration influence being sought it is the present Congressman Konop's hand is plainly seen. It is announced by Indians that Oconto has as candidate who is to take charge, etc. Mr. Frechette and some Indians, Gauthier and others visited Oconto, met Mr. Konop, so they announced, and received his word that a change would soon take place. The name of the man is Douglass Burns. I am told a former sheriff of the county, woods cruiser, etc. Back of him I can discern the same old interests, who are always trying to get a foothold here. Oconto, Marinette, Oshkosh, and Shawano interests.

But my story is no new one. Around every reserve are the same pernicious interests, always striving to get at the Indians' natural resources. I was not sent here in the interests of anyone, but that of good administration. I was selected because of certain things I had performed in the past. It was known no one could get to me. This place prior to my coming had been a hotbed of corruption and mismanagement; that is its record. I was sent to clean up and I shall continue to do so.

Under my first administration about eleven thousand dollars was compelled to be repaid to the mills for lumber stolen and some lumbermen escaped narrowly going to jail. Work on lines such as I name is continually going on. Naturally those concerns have no love. If some one came in who would sleep on the job, how pleasant all around would be the condition. With me out they think their goal would be reached. How little they know I have been here long enough to have acquired some real liking for the real Indian. It would be real pleasure for me to, from the outside work many times harder on my own time and resources, to prevent the Indian being any longer robbed by his unscrupulous red or white brother.

[Affidavit of Mr. A. S. Nicholson.]

NEOPIT, WIS., January 9, 1914.

To whom it may concern:

I, A. S. Nicholson, hereby certify on honor that the information given and report made by men to Hon. Edward E. Ayer, of the Board of Indian Commissioners, regarding conditions on the Menominee Indian Reservation are true and correct to the best of my knowledge and belief. Figures of record are copies of certified records of the Neopit operations and other information is obtained from sources which are creditable and upon personal investigation by myself and reputable employees here.

(Signed) A. S. NICHOLSON,
Superintendent Menominee Indian Reservation.

Declared to before me this 9th day of January, 1914.

[SEAL.]

H. C. D. ASHFORD, Notary Public.

(My commission expires June 20, 1916.)

29A. NICHOLSON.

[Copy of correspondence between Mr. Edward E. Ayer and Mr. A. S. Nicholson, Neopit, Wis., regarding the railroad facilities at the Menominee Indian Mills.]

CHICAGO, December 4, 1913.

Mr. A. S. NICHOLSON,
Superintendent Menominee Indian Mills, Neopit, Wis.

DEAR MR. NICHOLSON: I was not satisfied, while I was up to your place, with the railroad facilities there. A road practically without cars and two rates on everything must make it very expensive and very dilatory in handling your business there.

I feel quite sure we can get the Northwestern to build over from the west; it doesn't, from the map, seem to me to be more than 8 or 10 miles, and this would mean but one rate to all over the country, saving practically the entire rate paid to the road that is now there.

Please write me fully explaining just exactly how much rate they get, etc., and what you consider the extra cost of handling a car, and the way it ought to be if we got the Northwestern to come in there, when they would take the Northwestern rate to all competitive points.

I don't know whether we could do it or not. I am going to find out what the rates would be, and I think it would be a substantial saving on the cut of the mill.

I am going to make this recommendation in my report, and you can so notify the Indians. I think they would be glad to know of any recommendations that would make them any more money.

Yours, very truly,

EDWARD E. AYER.

NEOPIT, WIS., December 8, 1913.

HON. EDWARD E. AYER, *Chicago, Ill.*

MY DEAR MR. AYER: Your letter of December 4, regarding our railroad shipping conditions here.

I am glad you bring this subject up. Our position is, briefly, as follows: We are situated on the line of the Wisconsin & Northern Railroad, a short independent line running from the town of Shawano, northerly to Van Ostrand, a point 4 miles north of our reservation line, with no outlet or railroad connection there. In Shawano the Wisconsin & Northern Railroad have switching arrangements with the Chicago & North Western Railway. This road has two old engines, two passenger cars, a caboose and some flat cars, with perhaps several box cars. It has to depend entirely on the Chicago & North Western for supply of cars to handle shipments.

Its freight north from the south will approximate several cars per day. Its freight out from here would average 17 to 20 cars per day. It picks up occasionally some cars from Morgan Siding, below here, and Gresham. Our freight service is one train daily; combined with passenger service, two trains daily. To Neopit from Shawano 7 a. m. and 12.30 p. m., and from Neopit to Shawano 9 a. m. and 3.45 a. m. when on time. Passenger rates, 4 cents a mile; local freight rates on same basis, while through freight on lumber products we get same rate as from Wausau Point and Northwestern line, namely, 10 cents per 100 to Chicago and other points correspondingly, except to the north and northwest.

Our great handicap is car service. Perhaps the Chicago & Northwestern does not wish to favor this line, which, rumors say, is ultimately destined as a feeder for the "Soo lines," but this we do know that many times we have taken matter of car service up with the Chicago & Northwestern agent at Green Bay, and he has said that plenty of cars were turned over to this line. In cases we have known cars to be sent in and refused, the Wisconsin & Northern Railroad saying that they would do the ordering and not us. It seems to be their practice to scale down the number of cars we want, and in cases we have known that cars were diverted to Gresham, Morgan, and to Philox intended for us. The Chicago & Northwestern found this out themselves when they sent cars here for ties that never arrived. Their man going over the line found cars at other points. Freightage in of course is very bad. Excess freight has much to do in adding to cost of supplies. Shortage in cars necessarily results in cancellation of orders, as customers have to purchase elsewhere.

In 1911 Mr. Ashton, vice president of the Chicago & Northwestern took up matter of their road coming in here and have engineer and several others make a preliminary trip across the reserve. A line was run starting about at Underhill, thence westerly to Keshena, thence northwesterly to Neopit, and north to their line. I can not see whereby it would not be a paying proposition for the Chicago & Northwestern as well as excellent business for us.

Here is a product of millions in the rough for years to come. Manufacturers to ship for the same length of time, not counting other developments. Outside of lumber, ties, posts, poles, pulp wood, firewood could be shipped. Some things impossible to handle now. Whether the line comes in from Mattoon to Neopit and thence northeast across to Breed, or as the preliminary was made, it would be good business all around.

With the Northwestern in here we could get fair rates north, east, south, and west. Save delay in shipping in and out through transfer having to be made; obtain car service, which is the important item, and prevent lost sales and send to the markets of the country some products which we are long of and now hardly pays to make but which should be a revenue producer.

While on this subject another thought is presented as to a handicap here. We must have cash in hand before shipment. We wire for money when car is loaded. Demurrage is due after second day. We must pay if our fault. Shipper kicks if charged to him. If reasonable credit could be given, car permitted to go out, this would be overcome. It is a handicap in getting some firms to buy here. The tribe in the past has gone on record in favor of allowing the Chicago & Northwestern Railroad to come in. Whatever could be done on this line must be quietly, as it is very easy for any opposition to readily get hold of members here to manufacture sentiment in opposition. The Wisconsin & Northern Railroad would certainly take a hand.

Concerning present sales regulations, I find an amendment to law is necessary. The act of March 28, 1909, section 3, reads:

"SEC. 3. That the lumber, lath, shingles, poles, posts, bolts, and pulp wood, and other marketable materials so manufactured from the timber cut upon such reservations shall be sold to the highest and best bidder for cash, after due advertisement inviting proposals and bids, under such rules and regulations as the Secretary of the Interior may prescribe. The net proceeds of the sale of such lumber and other materials shall be deposited in the Treasury of the United States to the credit of the tribe entitled to the same. Such proceeds shall bear interest at the rate of 4 per cent per annum, and the interest shall be used for the benefit of such Indians in such manner as the Secretary of the Interior shall prescribe."

If this wording was changed to read:

"SEC. 3. That the lumber, lath, shingles, poles, posts, bolts, and pulp wood and other marketable materials so manufactured from the timber cut upon such reservations shall be sold in the open market, after due advertisement inviting proposals and bids, under such rules and regulations as the Secretary of the Interior may prescribe," etc.,

this would permit of regulations to be framed that would permit of business to be performed under conditions nearly on a par with any modern concern. The possibility of loss would be little, a selected credit list could be established, which would result in payment within, say, 10 days. Cars could then go on, knowing checks were en route in mails, etc.

Respectfully,

A. S. NICHOLSON, *Superintendent.*

29-B. NICHOLSON.

[Letter from Mr. A. S. Nicholson, accompanying map, dated Neopit, Wis., Dec. 22, 1913.]

HON. EDWARD E. AYER,
Chicago, Ill.

DEAR SIR: Replying to your letter of December 19. I inclose you herewith a map¹ of logging, showing cut district by years in various colors. I have marked on line of our railroad in thin red ink line route taken by party headed by Mr. Holland.

It is well to understand the problem confronting us at end of summer, 1910. Prior to this we had been cutting west of Neopit. In the summer of 1910 occurred the big fire northeasterly from Neopit, over 60,000,000 feet of lumber being burned, a large per cent of which was pine. There was no way of getting it to the mill. We had to go to Washington for legislation to build railroad.

There were no roads through. We started to work October, 1910, to build camps, cut a right of way over to this district, and log the timber.

Early in 1911 bill passed permitting railroad to be built. We started at point X on map and built railroad over to burned district, and on June 14, 1911, hauled first load.

¹ Map with copy of report to commission.

It was a question this year of saving the most valuable stuff. We logged during year 1911 and 1912 on sites of camps 11, 12, and 14. During this time we had to pay trackage charge of 60 cents a loaded car to the Wisconsin & Northern Railroad, which was about 20 cents per thousand. I asked the department for permission to extend railroad into Neopit direct to save this charge, and finally received permission to build, and last winter, end of December, 1912, the first logs came in over this road straight to Neopit from camps 14, 15, and 16. Camps 11 and 12 had finished their cutting northerly. Of course, in view of this fact, nothing could be done during this summer; nothing could be done except log along line of the railroad.

Mr. Brigham and Mr. Crowell, under my instructions, went over every part of past operations on line of our railroad, skirted logging districts of 1910, 1911, 1912, and this past year, with instructions to scale everything merchantable, locate the forties same were on, and whether same could come to mill or not.

It is well to bear in mind the fact that where square timber men made last winter they received permission to cut along line of the railroad into Neopit, so that we could pick up behind them as we came along. Such logs as were found were in main on edge of cuttings, where they can be taken in in present work.

Another thing that should be considered is that on June 30 I lost service of logging superintendent. He was suddenly taken ill and had to be taken to hospital, Milwaukee, where a serious operation was performed, he hovering between life and death for weeks. He finally resigned from service altogether at end of July. Washington did not send me new man until October 9, although I took matter of successor up with them at once.

You can understand what this delay and change meant also. I had to carry on the work alone, and necessarily it perhaps dragged a little, helped also by the extraordinary shortage of the labor situation for year past.

In spite of everything I am confident that our woods are as well cut, well cleaned up, as can be reasonably expected. I mention the above incidents as it would not be fair to both logging superintendents to criticise them. The old one had his own plans, and Mr. Brigham came on the job some time after the other left without really knowing what was on his mind for future plans.

Respectfully,

(Signed)

A. S. NICHOLSON,
Superintendent.

29-C. NICHOLSON.

[Letter from Mr. A. S. Nicholson, superintendent Menominee Indian mills, regarding the promises of Attorney Tyrrell to the Indians, letter dated Neopit, Wis., January 3, 1914.]

JANUARY 3, 1914.

HON. EDWIN E. AYER,
Chicago, Ill.

MY DEAR MR. AYER: Replying to your letter of January 2, on promises of Attorney Tyrrell to the Indians, the best information I can get is, of course, talk amongst the Indians generally.

They have told the Indians that there is all kinds of waste here and to effect that their money is or will shortly all be used up. That this is the reason why their interest money is not being paid to them in shape of annuities.

They claim to be able to secure reimbursement to the tribe of approximately one-half million dollars, claimed to be lost through what is known as dead and down operations.

They claim to be able to secure reimbursement to the tribe for timber cut by Stockbridge Tribe at the time of their temporary occupation of the Menominee lands pending the arrangements for purchase of two townships from the Menominee Tribe.

They claim to be able to secure to the tribe section 16 and the swamp lands claimed by the State of Wisconsin under the enabling act, notwithstanding the fact that the matter is now before the United States Supreme Court, which case is on calendar, I believe, for February, the Department of Justice representing the Indian.

They claim to be able to secure to the tribe reimbursement of all moneys paid out for education of the Indian from tribal funds, whether to mission schools or Government, claiming same should be made by direct appropriation of Congress.

They claim to be able to secure reimbursement to the tribe of certain thousands of dollars lost in operations during the three years past. What this is I do not know, as it is of personal knowledge to me that in 1911, 1912, and 1913 the operations yielded a profit to the tribe.

They also claimed to be able to secure to the individual Indians who were concerned in logging contracts all money deducted by the Government for waste and noncompliance with terms of the contract; also payment of what is known as the traders' claims bills, but do not tell the tribe that if this should be done that payment will come out of the tribal funds.

They also claim to be able to secure to the tribe all annuities due them, past and future. In fact, they claim to be a cure-all for anything, everything, of any nature. It is represented to certain Indians that they will protect them from the summary methods exercised by the superintendent, particularly relating to liquor trespass cases, and, in fact, have taken steps attempting to secure release of Indians, habitual bootleggers, who were arrested on indictment by United States grand jury. This is a matter of record in this office and that of the United States attorney.

Their appeal has been such as to whet the appetite of the very worst elements of the Indian. For instance, to the so-called pagan Indian a vast sum of money is to be restored him; annuities are to come along whenever he needs it. This, of course, to him brings rosy visions of not being compelled to seek a living by work, and a dream of easy life and dances. It also affects the other Indians, somewhat inclined to be lazy and not work, by furnishing them with prospects of easy money to aid in living. It has a certain appeal to the idle and worthless Indian, who makes a practice of subsisting on his more industrious brother, knowing full well that there will be a full larder in which he can participate, either in meals or appeal for a loan to tide himself over an emergency.

The effect of the whole is a far-reaching one. It is about as follows: The Indian has been started on the road of industrial self-development. He is fairly self-supporting. Suddenly his attention is drawn to this fact: What, you have plenty of money; it's a crime it's withheld from you. We'll get it for you; you will not have to work so hard; you can take things easier. The Indian, thinking slowly, comes to the same conclusion. The microbes in his blood from long-ago ancestors assert themselves. To him his wants are simple—a little tea, pork, salt, some flour, etc., and once more he can see visions of idle contentedness. Did he know the value of a dollar, know the necessity of being a producer of something to take the place of what he spent, such preaching might not work much harm. It has been my experience that money placed in the Indian's hands for which he has not labored is a curse. This, of course, excepts the aged, the helpless, and orphan, and certain Indians materially advanced.

Respectfully,

A. S. NICHOLSON, *Superintendent.*

29—D. NICHOLSON.

[Questions asked Mr. A. S. Nicholson by Mr. Edward E. Ayer, in regard to the selling of lumber at the Menominee Indian mills, Dec. 12, 1913.]

MR. AYER. How much of the cut of the plant is sold to the small yards direct?

MR. NICHOLSON. Less than 2,000,000.

MR. AYER. Then the rest is sold to the middleman?

MR. NICHOLSON. Yes, sir.

MR. AYER. In your judgment, how much do middlemen make on that lumber?

MR. NICHOLSON. Not less than \$2 a thousand.

31. OSHKOSH.

[Letter from Mr. Reginald Oshkosh, of the Menominee Indian Tribe, to Mr. Edward E. Ayer, dated Neopit, Wis., Jan. 10, 1914.]

NEOPIT, WIS., *January 10, 1914.*

HON. EDWARD E. AYER,
Chicago, Ill.

SIR: In my efforts to furnish you the information and my opinions concerning Mr. D. F. Tyrrell, of Gillette, Wis., an attorney at law, who professes to be representing the Menominee Tribe's interest, will be similar to that of any other full-blood and original member of the Menominee Tribe, because the various statements herein contained are obtained through rumors or gossip only, that are being circulated among the Indians by Mr. Tyrrell's associates, and not by records of the Menominee Tribal Council as is the custom.

Mr. Tyrrell's solicitation among the Indians as their counselor is being entertained entirely by the descendants of the mixed bloods who withdrew from the Menominee Tribe under the treaty of 1849, and who, through the sympathy of the generous Menominee Tribe, have just recently been adopted into the tribe, as well as the half-breeds of the wandering bands who deserted the Menominee Tribe in time of need, about the year of 1855, and who likewise have been reinstated into the tribe only a short period of time, and who are employing every means to conceal from the full-blood and original members of the tribe the inside facts of their real purpose, and which I will endeavor to explain later.

We understand that Mr. Tyrrell in his talks to few of the Indians in his several mass meetings with them while he was on the reservation said that the Government is not conducting our tribal affairs properly under the present administration, and that he would show the tribe that their money is being wasted, both at Keshena and Neopit, Wis., and that he could prevent all this waste by representing the tribe's interest himself and then cause a thorough congressional investigation which would then result in the removal of the present officials, and then he could choose whom he pleased from his party and assign them to the vacant offices.

These actions of his, of course, are only keeping the Indians in a state of continuous uproar, and that means no benefit to the Indians; that is what I think about it.

We understand that the contractors from whom the Government deducted certain moneys on "blow down" should have their claims paid. The white contractor seems to be more anxious to have this claim paid than the Indian contractor is.

The Tribe does not see no good reason why these claims should be paid, for the following reasons:

The majority of the contractors were white men, such as Wallie Cook, of Oconto, Wis., better known as the lumber crook; August Anderson, of Shawano, Wis., whom the Government is now prosecuting for defrauding the Government on reservation timber and land, who did undertake to defraud the Government in the scaling of the blown-down timber they did cut and hauled to landings. Mr. Tyrrell, who has been telling the Indians for over a year about the wasting of timber on this reservation, is the attorney for these contractors, who did cut and left logs on skids that was never hauled to the mills or landings, which can be found all over the blown-down district at any time now deteriorating. Mr. Tyrrell does not think it is a waste. If this is not a waste I do not know what a waste is.

The reason why I have said that the majority of the contractors were white men is that the white men done the logging under an Indian name; and indeed very little, if any at all, did the Indian benefit out of the profits. The Indian paid very few visits to his logging camps; in some cases I understand the Indians had never seen their logging camps.

Mr. Tyrrell is prosecuting the Menominee Tribe to recover the claims of individual Menominee Indians who were in partnership with these white men in cutting this blown-down timber, and who did try to defraud the Government on the scale, and in many other ways did not live up to their contracts. I do not see the tribe's benefits in this, since I understand the money that Mr. Tyrrell demands is to be paid out of the tribal funds; I do not know from any other source.

Mr. Tyrrell and his associates are inspiring in the minds of the Indians that \$1,448,000 of the Menominee Indian money has been wasted in the logging and milling operations under the act of March 28, 1908 (25 Stat. L., 51), by the present administration.

According to my observations, and as far as my knowledge is concerned, in the records of the Neopit office, outside of the blown-down timber question, I can not see any waste that would amount to those figures. Mr. Tyrrell claims to be able to secure a payment to the Menominee Tribe on certain claims known as the 2-mile strip claim.

Soon after the ratification of the Munsee-Stockbridge treaty of 1856 a mutual agreement was made by these two tribes with the Menominee Tribe, in which it was agreed to exchange land as follows: The Munsee-Stockbridge tribes agree to give to the Menominee Tribe a 2-mile strip of land located on the north side of T. 28 M., R. 13 E., and T. 28 N., R. 14 E., for a 2-mile strip of land located on the west side T. 28 N., R. 15 E., on the Menominee Reservation. While occupying this land the Munsee-Stockbridge Tribes cut and sold the merchantable pine timber off from it.

In the meantime, by act of Congress February 6, 1871 (16 Stat., 404), was sold the following Munsee-Stockbridge land: T. 28 N., R. 13 E., and the north half of T. 28 N., R. 14 E. This included the 2-mile strip given to the Menominee Tribe under the mutual agreement, without their knowledge and consent; and immediately after the discovery of the sale the Menominee Tribe demanded the forfeiture of the 2-mile strip on T. 28 N., R. 15 E., and vacate as well.

After many years had elapsed the business committee of the Menominee Tribe demanded an indemnity from the Munsee-Stockbridge Tribes for all the timber they had cut and sold from these lands.

About the year of 1901 a meeting was held at Keshena, Wis., between the Munsee-Stockbridge Tribes' committee and Menominee business committee, to adjust this claim. Each committee was then represented by one of its members while the Government was represented by the logging superintendent of Keshena, Wis., to go over the country and ascertain the amount of timber cut and sold by the Munsee-Stockbridge Tribes.

In their report they claim that they found it absolutely impossible to ascertain by whom, where, and the amount of timber that was cut on those lands, for the reason that the Menominee Indians have been cutting some timber from the same lands since the Munsee-Stockbridge Tribes vacated it, and that the stumps were so decayed and defaced by forest fires that nothing was accomplished.

And the land and money that had been held in trust for the Munsee-Stockbridge Tribes by the Government had all been distributed among them, and the committee were unable to adjust the matter.

Therefore I see no way by which a lawyer or anybody else can solve this question.

Mr. Tyrrell claims to be able to restore to the Menominee Tribe their title to section 16 and swamp lands now claimed by the State of Wisconsin, and which question is now before the Supreme Court of the United States. We full-blood Menominee Indians doubt very much in Mr. Tyrrell's ability, and we object to his doing anything in the case, for we know no other that is more able to restore our title to us than the United States Government, and which means no expense to the tribe.

Mr. Tyrrell claims to be able to secure annuity payments for the Menominee Tribe. We believe this is absolutely unnecessary to go through to the expense in employing an attorney for this purpose only, and at the end have his fees deducted from each one of our shares, when it can be secured by the superintendent of the reservation as it has always been done in the past.

The inside facts of Mr. Tyrrell's real purpose is this:

Paying positions, land, money, timber, and other properties of the reservation that are of any value has been the spoils for the unscrupulous political grafter in the past.

Once more as he gazed upon the tempting magnificent belt of timber on our reservation the unmerciful rich lumberman who has reaped his rich harvest from it for 32 years, is not by any means discouraged by the determining efforts of the Government in lending a protecting hand to its wards against the grafters who are now rapidly losing their grasps with much regret. The methods under which the Government is handling Indian affairs now are poison to the grafter, and they are now using different tactics to overcome it.

First, a meeting is necessary to organize properly members of the organization (the merchant, lumbermen, land speculator, banker, and the lawyer); then their course is outlined as follows: An officer must be detailed to the National Capital (Mr. Ballinger), whose duties it shall be to bring to bear all his influence over every department of the Government that has jurisdiction over Indian affairs and over all Members of Congress until their aim is accomplished.

Second officer, the most important, whose qualifications must be of the ruthless type (D. F. Tyrrell), who is to be detailed to the reservation, and his duties are to approach the lazy, shiftless, and low-bred half breeds who are as a general rule easy victims to small bribes and who are to be the tools (Tom Prickett and others), whose duties are to be to penetrate into the Indian country and destroy the tribe, a protecting power, then preach misrepresentation concerning the management of their affairs by the Government and create dissatisfaction among them; induce them to terminate their relation with the Government as wards and divide the reservation resources.

If this is done, then Mr. Tyrrell's real purpose is accomplished. The Indian, then, is once more an easy picking for grafter.

Will be pleased to furnish any information to you at any time that will mean the betterment to my people.

Respectfully,

(Signed) REGINALD OSHKOSH.

I beg to present the views of a gentleman I met on the reservation, who did not care to have his name mentioned, but who had had great experience with the Indians, and had thought of the subject a great deal, and who expresses the following views and suggestions:

I do not know of any case of abject suffering among the sick or old or poor, or that they were not helped when in real need, either by their neighbors, or were refused help by the agent. There are, of course, sick people and poor people, as everywhere, but the former received rations when old and unable to work, and the others were taken to the hospital, if they could be induced to go there. I do not know of any case that a sick person was refused admission to the hospital if the circumstances demanded it.

As regards tuberculosis and tracoma, I must say that there have always been cases of both. Whether they are on the increase or not I do not know, as in former years the disease was not tabulated so carefully as now. If the death record among the Catholic Indians shows anything, it shows that the health of the tribe in late years is better than ever before.

Also, in regard to intemperance in drinking, quite a change for the better has come the last five years or so. It happens now rarely that an Indian is found drunk on the reservation. It does occur, of course, now and then, but never goes unpunished if found out. However, if, instead of being deported to Milwaukee to serve their time, drunkards would be made to serve their sentence on the reservation, either improving the roads or clearing land, I think it would be better, especially in the case of married men. The real hardship of the punishment in such cases falls on the family of the drunkard, and his wife is exposed to great moral danger during the absence of the husband.

In regard to the mill at Neopit, I must say, as far as I can see, that it has been a benefit to many Indians, as it gave them work, and several Indians have done very well. They have now decent houses, and are working steadily and are making a fair livelihood and are in every way better situated than they were before the mill was built.

I think, too, that every Indian who was willing to work could find work, and if he proved steady and competent was paid fair wages. The complaint about the mill since its erection was that it takes all the Indians' money and was not making any for the Indians. Of course, the construction of the plant was a great expense, but, if managed properly, it would be bound to make money and return a fair profit on the investment. Perhaps a private concern could run it cheaper, not having to employ such a large office force and not being obliged to make so many exceptions in employing men and being so restrained in disposing of the lumber.

And now, as to the farming proposition. I am convinced that farming would indeed be the salvation of the Indian and the only way to civilize him eventually. However, the steady work on a farm is not to his liking and he is easily discouraged if he can not get the result of his labor right away.

I think that, allotting to every Indian who is willing to farm 80 or 120 acres, to be his permanent home, and to advance him the money for improving the same, would be a step in the right direction to solve the Indian problem and to make himself supporting. The condition, though, of getting additional assistance should be: Making new improvements, say, for every acre of land cleared and cultivated advance \$20 of value thereof in implements, seed, etc.; this to be charged to his balance. Also that a certain number of horses and cattle be maintained and food for same raised and stored on the premises.

The officer to look after this work should have authority to compel them to work on the farm; otherwise nothing will come of all the regulations.

It would be good policy and I think necessary to advance them money for the work they do on the farm, until they would have 40 acres or so under plow, because otherwise they are obliged to work away from home to get the necessary subsistence and no improvement is possible.

The old, sick, and disabled to work would have to be supported, as now, by rations and annuity. Those working at the mill or at a trade might get help for building a house or making improvements on same; but those able to work should be made to work in order to get the use of their own money. I know this seems unjust, as the money belongs to the Indians; yet if he can get it without work and spend it as he pleases, the result will be that the Indian will ever remain only a consumer and never a provider, and when his substance is all wasted he will be a charge to the poorhouses.

Actual conditions and the experience of many years I think are proof enough that money obtained without work is a curse, not a blessing, for the Indian. For, big child that he is, he does not look ahead, but only what he needs to-day, and so he wastes his ready money for whatever strikes his fancy and tickles his passion, and thus he grows up improvident and careless and fruitless as the poor Indian we know to-day. He will have a good time for a day or two and for the rest of the year he is in need and misery.

33. ———

Logs cut for lumber.	Logs and timber cut for miscellaneous operations.	Feet of lumber sold and used.	Net profit on lumber sold.	Net profit on miscellaneous operations.	Total net profit.
¹ 31,071,260	¹ 639,548	27,073,154	\$45,389.60	\$15,147.42	\$60,537.02
² 31,504,420	² 1,971,457	33,923,618	50,926.42	33,277.54	84,203.96
³ 33,712,710	³ 2,839,980	42,070,064	42,931.64	57,540.93	100,472.57
96,288,390	5,450,985	103,066,836	139,247.66	105,965.89	245,213.55

¹ July 1, 1910, to Sept. 30, 1911.

² Oct. 1, 1911, to Sept. 30, 1912.

³ Oct. 1, 1912, to Sept. 30, 1913.

Net profit to Menominee Indian mills over and above stumpage. This is assuming that the mills bought and paid for the stumpage cut, at the rates shown on statements hereto attached.

Net profit to Menominee Indian mills over and above stumpage. This is assuming that the mills bought and paid for the stumpage cut, at the rates shown on statements hereto attached.	\$245,213.55
July 1, 1910, to Sept. 30, 1911, credited to stumpage and charged against operation	227,304.57
Oct. 1, 1911, to Sept. 30, 1912, credited to stumpage and charged against operation	112,144.78
Oct. 1, 1912, to Sept. 30, 1913, credited to stumpage and charged against operation	103,726.82
Total	688,389.72

Profit to Menominee Indian Tribe, 103,066,836 feet, at \$6.67 per thousand stumpage.

Notes.

If the net profits on all operations of the Menominee Indian mills credited to stumpage account, in addition to the regular stumpage rates as instructed by the United States Indian Office (letter Feb. 5, 1912; L. O. File 102661-1911) then the Menominee Tribe of Indians have received an average of \$6.67 per thousand feet for their timber cut during the period from July 1, 1910, to September 30, 1913.

The cash investment on capital stock of the Menominee Indian mills on July 1, 1910, is \$1,062,106.79.

The foregoing amounts of net profit then show a net earning on this investment as follows:

July 1, 1910, to September 30, 1911, 15 months, net 4.2 per cent per annum, after deducting stumpage.

October 1, 1911, to September 30, 1912, 12 months, net 7.9 per cent per annum, after deducting stumpage.

October 1, 1912, to September 30, 1913, 12 months, net 9.4 per cent per annum, after deducting stumpage.

Average net, 7 per cent per annum after deducting stumpage.

The net loss on operations, previous to July 1, 1910, is \$269,695.92, which should be taken off the books of the Menominee Indian mills, and the capital invested be reduced that amount or to \$792,410.87, the true amount of assets the Menominees had to conduct their business with on July 1, 1910, would show the percentage of profit on the capital invested as follows:

July 1, 1910, to September 30, 1911, 15 months, net 5.7 per cent per annum, after deducting stumpage.

October 1, 1911, to September 30, 1912, 12 months, net 10.6 per cent per annum, after deducting stumpage.

October 1, 1912, to September 30, 1913, 12 months, net 12.7 per cent per annum, after deducting stumpage.

Average net, 9.5 per cent per annum after deducting stumpage.

Receipts and disbursements.

July 1, 1910, to September 30, 1911:

Receipts.....	\$520, 169. 49	
Disbursements.....	509, 732. 18	
		\$10, 467. 31

October 1, 1911, to September 30, 1912:

Receipts.....	634, 408. 47	
Disbursements.....	439, 343. 80	
		195, 064. 67

October 1, 1912, to September 30, 1913:

Receipts.....	722, 644. 71	
Disbursements.....	476, 660. 36	
		245, 984. 35

Total receipts over disbursements.....	451, 516. 33
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Net profit.....	245, 213. 55
Stumpage.....	443, 176. 17

Total profit.....	688, 389. 72
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Excess of receipts over disbursements.....	451, 516. 33
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Difference.....	236, 873. 39
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This difference is accounted for by the fact that there are considerable more products on hand in the yard on September 30, 1913, than there was on July 1, 1910, there being 28,325,980 feet of lumber at close of September 30, 1913, against 22,178,966 feet on July 1, 1910, also considerable lath, shingles, and other products, and also by the fact that the Menominee Indian mills have during this period from July 1, 1910, to September 30, 1913, enlarged their plant considerably, among some of which are the building of approximately 15 miles of railroad, railroad round houses, coal bins, purchase of two engines, 65 log cars, caboose and railroad supplies, etc., construction of several permanent dwellings for employees, construction and repair of dwellings for Indians, construction of lumber yard, tramways and pile bottoms to take care of 38,000,000 to 40,000,000 feet of lumber instead of 22,000,000 on hand July 1, 1910, construction of planing mill, including purchase of machinery, etc., to double its capacity since July 1, 1910, enlargement of mill to handle and manufacture by-products from slabs and refuse and sundry other improvements to the plant; also purchase of horses, lumber buggies, and sundry other equipment and supplies necessary to facilitate the handling of a greater volume of business (31,000,000 to 36,000,000 feet of lumber per year against 20,000,000 feet per year previous to July 1, 1910, besides other by-products such as crating, pickets, slabs, etc.), and which appear in our statement of resources, and which, of course, do not affect the amount of profit made and shown, but reduce cost items and increase products, plant, equipment, and other items in the statement of resources, and are, of course, on hand and carried at their cost (less a reasonable depreciation) for future operations. These years operating have, of course, stood their depreciation as per annual statements, amounting to \$181,754.66 for this period, July 1, 1910, to September 30, 1913, and as instructed by the Indian Office, which, if not charged against operations, would make net profit that much greater.

The reasons for the receipts being only \$10,467.31 over and above the disbursements (not the profit) during the period from July 1, 1910, to September 30, 1911, are, that considerable more products were on hand in the yard on September 30, 1911, than on July 1, 1910, there being 36,455,835 feet of lumber alone on September 30, 1911, against 22,178,966 feet on July 1, 1910, besides more lath and other products; also that during this period the greater part of the expense building the railroad, purchasing engines, logging cars, railroad supplies, etc., building of several permanent dwellings.

The reason for the net profit on lumber being only \$45,389.60 for this 15 months' period is that considerable lumber that was on hand in the yard on July 1, 1910, was cut from dead and down timber, and was sold at a loss, and as our green cut was piled with the dead and down lumber in order to better dispose of it, and owing to the cramped conditions of the yard, it was necessary to pile with the green cut with the dead and down, so that it was a physical impossibility to account for each cut separately.

The overrun of logs into lumber during the period from July 1, 1910, to September 30, 1913, is 4,383,969, more than enough to make up the difference between the amount of logs cut and lumber sold during this period and as there was an inventory of logs,

lumber, and other products on hand at the end of each accounting period—July 1, 1910, September 30, 1911, 1912, and 1913—with the exception of taking into consideration the sale of dead and down lumber during 1910 and 1911, it is safe to assume that the yearly cuts of logs shown in the foregoing statements were cut into lumber and other by-products and sold.

Stumpage prices are about what maintain throughout this part of the country, where the same class and species of timber are cut and manufactured.

This information was obtained by actual inquiry from 15 of the largest operations in this section of Wisconsin, Michigan, and Minnesota, all exchanging stumpage prices. Such firms as Sawyer, Goodman & Co., The Stephenson Co., Diamond Lumber Co., Brown Bros. Lumber Co., Cloquet Lumber Co., Virginia & Rainy Lake operations, others. It also compares with information gathered by the United States Forest Service.

Logs cut October 1, 1912, to Sept. 30, 1913, and stumpage charged thereon.

3,065,280 feet pine, at \$11.01.....	\$33,748.72
290,800 feet Norway, at \$6.81.....	1,980.34
13,088,250 feet hemlock, at \$1.51.....	34,863.25
2,547,170 feet birch, at \$4.01.....	10,214.15
1,747,520 feet maple, at \$1.76.....	3,075.63
938,420 feet basswood, at \$6.26.....	5,874.51
9,950 feet rock elm, at \$5.01.....	49.85
172,000 feet soft elm, at \$4.21.....	724.12
128,960 feet ash, at \$5.01.....	646.09
248,970 feet tamarack, at \$2.41.....	600.01
48,610 feet oak, at \$11.51.....	559.50
6,010 feet beech, at \$2.41.....	14.77
7,090 feet spruce, at \$4.66.....	33.03
32,299,030 feet.	92,383.97
Average, \$2.86 per M. Above sawed into lumber.	
2,839,980 feet logs and timber cut and used in construction of plant, railroad, etc., also for shingles, posts, poles, ties, and miscellaneous operations.....	11,342.85
35,139,010 feet.	103,726.82
1,413,680 feet dead and down logs cut also, on which no stumpage is charged.	
36,552,690 feet.	

Average, \$2.08 per M.

Average stumpage from July 1, 1910, to September 30, 1913, is \$4.35 per M, log scale.

Logs cut July 1, 1910, to Sept. 30, 1911, and stumpage charged thereon.

16,915,300 feet pine, at \$11.01.....	\$186,237.45
8,273,950 feet hemlock, at \$1.51.....	12,493.66
1,569,770 feet Norway, at \$6.81.....	10,660.13
1,699,760 feet maple, at \$1.76.....	2,991.52
629,700 feet birch, at \$4.01.....	2,525.10
1,231,990 feet basswood, at \$6.26.....	7,712.26
322,000 feet rock elm, at \$5.01.....	1,613.22
368,250 feet soft elm, at \$4.21.....	1,550.33
12,780 feet oak, at \$11.51.....	147.10
13,290 feet ash, at \$5.01.....	66.58
370 feet hickory, at \$5.16.....	1.91
34,130 feet tamarack, at \$2.41.....	82.25
31,071,260 feet.	226,081.51
Average, \$7.27 per M. Above sawed into lumber.	
639,548 feet logs and timber cut and used in construction of plant, etc., also for shingles, posts, poles, and miscellaneous operations.....	1,223.06

31,710,808 feet.	227,304.57
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Average, \$7.16 per M.

Lots cut October 1, 1911, to September 30, 1912, and stumpage charged thereon.

5,314,960 feet white pine, at \$11.01.....	\$58,517.70
700,370 feet Norway, at \$6.81.....	4,769.51
21,779,450 feet hemlock, at \$1.51.....	32,886.97
516,610 feet maple, at \$1.76.....	909.13
1,938,270 feet birch, at \$4.01.....	7,772.46
326,010 feet basswood, at \$6.26.....	2,040.82
49,270 feet tamarack, at \$2.41.....	118.74
32,740 feet rock elm, at \$5.01.....	164.03
16,780 feet soft elm, at \$4.21.....	70.64
3,720 feet oak, at \$11.51.....	42.82
16,700 feet ash, at \$5.01.....	83.66
48,380 feet beech, at \$2.41.....	116.59

30,743,260 feet.	107,493.07
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Average, \$3.50 per M, above sawed into lumber.

1,971,457 feet logs and timber cut and used in construction of plant, railroad, etc., also for shingles, posts, poles, ties, and miscellaneous operations.....	4,651.71
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32,714,717 feet.	112,144.78
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761,160 feet dead and down logs cut also on which no stumpage was charged.

33,475,877

Average, \$3.35 per M.

33-A.

Stumpage rates.

Species.	Per cent of stand.	Feet of stand.	Rate of stumpage as recommended by—		Amount.
			Oconto Co.	Indian Office.	
White pine.....	0.10	175,000,000	\$11.00	\$11.00	\$1,925,000.00
Norway pine.....	.02	35,000,000	5.00	6.80	238,000.00
Hemlock.....	.40	700,000,000	3.00	1.50	1,050,000.00
Maple.....	.15	262,500,000	2.00	1.75	459,375.00
Birch.....	.05	87,500,000	5.00	4.00	340,000.00
Basswood.....	.15	262,500,000	8.00	6.25	1,640,000.00
Rock elm.....	.06	105,000,000	8.00	5.00	525,000.00
Soft elm.....	.03	52,500,000	7.00	4.20	220,500.00
Oak.....	.01	17,500,000	15.00	11.50	201,250.00
Cedar.....	.01	17,500,000	2.00	3.00	52,500.00
Ash.....	.0075	13,125,000	5.00	5.00	65,625.00
Balsam.....	.0025	4,375,000	2.20	2.20	6,625.00
Spruce.....	.00375	6,562,500	4.65	4.65	30,515.62
Tamarack.....	.0050	8,750,000	2.40	2.40	20,900.00
Beech.....	.000625	1,093,750	1.50	2.40	2,625.00
Butternut.....	.000625	1,093,750	5.15	5.15	3,632.28
Hickory.....			5.15	5.15	
Total.....		1,750,000,000		¹ 3.88	6,787,172.90

¹ Average.

NOTE.—The above stumpage prices have been recommended by Indian Office (letter of Feb. 5, 1912—I. O. File 102661-1911). The percentage of stand has been fixed arbitrarily by Neopit office, based on opinions of the different logging superintendents. Timber has never been cruised and estimated. Above rates of stumpage are to be used by the Menominee Indian mills in wiping out the stumpage account, charging cost of logs with same as they are cut. To the above rates will be added 1 cent per thousand feet to wipe out cost of 50 per cent of burning brush and entire cost of fighting forest fires, which have been charged to the stumpage account, this expense being incurred for the protection of the standing timber.

33B.—Total cut of each class of timber during three years, with stumpage recommendations of the Oconto Co. and that used by the Neopit office.

Specie.	Feet.	Rate of stumpage as recommended by—		Oconto Co. amount.
		Oconto Co.	Indian Office.	
White pine.....	25,295,540	11.00	11.00	\$278,250.94
Hemlock.....	43,141,650	3.00	1.50	129,424.89
Norway pine.....	2,560,940	5.00	6.80	12,804.70
Birch.....	5,115,140	5.00	4.00	25,575.70
Maple.....	3,963,860	2.00	1.75	7,927.72
Basswood.....	2,496,420	8.00	6.25	19,971.36
Tamarack.....	332,370	2.40	2.40	797.69
Rock elm.....	364,691	8.00	5.00	2,917.53
Soft elm.....	557,030	7.00	4.20	3,899.21
Ash.....	78,600	5.00	5.00	393.00
Oak.....	65,100	15.00	11.50	976.50
Beech.....	54,390	1.50	2.40	81.58
Spruce.....	7,090	4.65	4.65	32.90
Hickory.....	370	5.15	5.15	1.91
Amount, according to Oconto Co.....				483,055.55
Amount, according to Indian Office.....				443,176.17
				39,879.38
Profits during three years, according to Indian Office.....				245,213.55
Excess stumpage, according to Oconto Co. standard.....				39,879.38
Net profit during three years, after deducting stumpage, according to Oconto Co.'s standard.....				205,334.17

34. LOUIS SKEESICKS.

[Statement of different Indians at Keshena question by Mr. Ayer with regard to their feelings about the general conditions on the reservation and efforts being made to get money to pay Mr. Tyrrell and his friends.]

I do not know myself; I have not attended any of the meetings, but this is what I hear the tribe say: It is just like throwing our money in the river—building new barns and houses at Keeshena and Neopit, cutting timber, building new roads, and so on. Lots of people are dissatisfied. The mill is not making anything. No money coming in, all going out. I do not know what the lawyer promised to do, but he was to help the tribe so there would be no more trouble.

LOUIS SKEESICKS (his thumb-print mark).

Witness to mark:

FRANCIS M. BADGER,

Financial Clerk, Keshena Indian School, Keshena, Wis.

JOHN F. WAUKECHON,

Assistant Clerk.

H. P. MARBLE,

Assistant Superintendent.

KOSHENA, WIS., January 10, 1914.

35. SAM PYWAUKEE.

[Statement of Sam Pywaukee. Questioned by H. P. Marble, assistant superintendent, through John F. Waukechon, interpreter.]

Mr. Marble explains: Board of Indian Commissioners have sent out for information in regard to Indians desiring employment of an attorney.

Q. He knows this man Tyrrell, does he? Ever met him?—A. The man from Gillette?

Q. Yes; I guess that is the man.—A. Yes; he says the man from Gillette was here last spring and went through the reservation.

Q. What did he claim he would be able to do for the Indians?—A. He says that he went over the logging here; that is, the Menominee Reservation.

Q. And what about it?—A. He said the Menominees had asked him to go over the logging on the Menominee Reservation.

Q. Did he say what Menominees asked him to?—A. He says he knows of three. He says he don't think anybody can say—it was the whole tribe.

Q. After looking over the logging, what did he offer to do for the tribe?—A. Well, he says he took note of everything. He seen what was wasted in the line of timber and made his report to Washington.

Q. What payment was made to him for this service?—A. He did get something. No man will work for nothing. He expects to get something for his meals anyway.

Q. How much?—A. They had paid him \$500 in cash.

Q. Is that for work he has done already or is going to do for them?—A. He says they gave this \$500 when he left for Washington. That money was used in Washington while he was there.

Q. What were they to pay him in addition for his services?—A. He says, I don't know, and I don't think the lawyer knows what he is going to get. Of course a man when through working knows what he gets.

Q. Did he enter into contract with them for what he was to get?—A. He did not enter into contract with them. The lawyer said if he accomplished anything in Washington they could pay him.

Q. Does he know who paid the \$500?—A. The money was borrowed and is to be paid from the tribal funds.

Q. Who borrowed it: does he know?—A. Well, he says no particular one borrowed the money but says the men then there at the meeting, and they got \$250 from Louis La Frombois.

Q. Who else did they get some from?—A. He says that the other \$250 was furnished by a white man living at Neopit. He gave it to the lawyer when he left, and that was paid back by the tribe.

Q. Of what white man?—A. He says, Joe Gristo's father-in-law.

Q. Does he know what his name is?—I would know it if I heard it.—A. De Rosier. He says, that man was discharged at Neopit just on that account.

Q. Was there any other man gave to him, that he knows?—A. De Rosier furnished \$200 and the other \$50 was furnished by himself (this man here, Sam Pywaukee).

Q. What papers did he get to show that he loaned the money?—A. (produces paper, hands it to Mr. Marble, who reads it):

KESHENA, Wis., November 10, 1913.

This is to certify that we have received \$50 from Sam Pywaukee, the same to be used to hire D. F. Tyrrell, attorney at law, in behalf of the Menominee tribe, to conduct the investigation of affairs at Neopit in the near future.

(Signed) LOUIS LA FROMBOIS.
JOE LONGLEY.
TOM PRICKETT.

Q. Does he know just what is on that paper?—A. No; he says he only loaned the money and he is to get it back.

Q. Did he look at that paper?—That paper does not say they will pay back anything: just simply acknowledges receipt of the money. I am just telling him that for his own information. No difference, of course, if he wants it to go that way. Was it the general understanding that money is wasted among Indians; was that the general understanding at Neopit?—A. Yes.

Q. Did Mr. Tyrrell say that was the case after he had investigated?—A. Yes, sir; he did.

Q. Did he say he would be able to secure a change, so they would not lose money?—A. Yes, sir.

Q. Did he say that he would be able to secure annuity payments for them?—A. Yes.

Q. How much did he say he would secure for them this year?—A. He says he might be able to get \$20 during the month of January and \$40 in the spring. This part was told me by Tom Prickett.

Q. And what in the future, any more after that?—A. That he does not know. Only for one year.

Q. Did he say anything about the Stockbridge claim, over here—the 2-mile strip?—A. That he does not know; did not hear him say anything about that.

Q. Did he say anything about the claims for the blow-down districts?—A. He did not know.

Q. Did he hear him say anything about section 16 and the swamp lands in Wisconsin?—A. Don't know anything about that.

Q. From general talk, what does he understand about money being wasted in Neopit? What does he think about it? A. Says he thinks that money is wasted up there.

Q. How does he think it is wasted?—A. Well, he says, the money that was used on improvement for roads, he says, he thinks they don't ask the tribe if that money can be expended for that purpose.

Q. He thinks that all that is wasted; just money on roads?—A. Not that alone, but timber, and other work they do up there at the mill. They are not making anything.

Q. What makes him think the mill is not making money?—A. Well, he says, because the people don't get any annuity and the money must be used there and spent there. Now, he says where does that money come from for building those nice buildings at Neopit?

Q. (Answering questions put in above answer.) Out of interest on the Menominee log fund. If they had been getting annuities, would they think the mill was making money?—A. Yes; then he would think that they were making money.

I certify that the above statement was given by me in answers to the queries asked, and that the above contains no material misrepresentation of what was said by me.

SAM PYWAUKEE (his thumb print mark).

Witness to mark:

FRANCES M. BADGER.

Made in presence of—

H. P. MARBLE.

JOHN F. WAUKECHON.

36. STATEMENT OF HENRY MELLOTT.

My understanding is that Tyrrell has promised to get for the old soldiers \$1 a day, and was to help the tribe all through, for their benefit. I did not see the letter, but heard La Frombois report that the tribe was to receive \$40 per capita this winter if we hired Tyrrell. About \$200 was raised around Keshena and given to Tyrrell, but it is understood that he is working for the tribe, and this money is to be paid back to the ones who loaned it.

Tyrrell had pictures showing the waste of timber on the reservation and reported that he had investigated and found the mill at Neopit to be losing money. He promised he would have the laws changed, so it would not lose any more.

The reason I think the mill is losing money is because we do not get any more annuities, like we used to, when we ask for it. If the annuities were paid, I would think the mill was making money.

Tyrrell also said he would work to get back the swamp and school lands which the State is taking from us.

Tribal members claim there is too much money being spent for roads, houses in Neopit, dairy barn at the Keshena school, and for other buildings. The tribal members think this should not be spent this way. It would be better to pay it to the Indian in annuities.

HENRY MELLOTT (his thumb print mark).

Witnesses to mark:

FRANCES M. BADGER,

ZORA F. MARBLE.

Statement made in the presence of—

H. P. MARBLE, *Assistant Superintendent*.

37. STATEMENT OF LOUIS KESHENA, AT KESHENA, WIS.

My understanding is that Tyrrell and the other attorney are to try to get the "blow down" claims paid, but if they do, it seems to me they will have to be paid by the tribe. Many members think these claims are to be paid by the Government, but I do not want anything to do with lawyers in this. They are the cause of all the trouble in the past about this blow down business.

I hear that some members of the tribe have been loaning money to pay to Tyrrell, and they say the tribe is to pay this back; but I do not see how the tribe can be held for this money unless some council agrees to it. I hear some parties have taken money belonging to the church societies, the relief corps, and so on, and have loaned it for the

lawyers, and they tell me they have no security for it, so they must have to make it good themselves. I hear much talk about the Neopit mill losing money, and think the tribal members believe this, because we do not receive annuities any more. I did not talk to Tyrrell myself, but I hear these things from other members who are working for him to get a contract. I also understand that Tyrrell is to secure annuity payment for the Menominees.

LOUIS KESHENA.

Statement made in presence of—

JOHN F. WAUKECHON, *Assistant Clerk*.

H. P. MARBLE, *Assistant Superintendent*.

KESHENA, WIS., *January 10, 1914.*

38. STATEMENT OF JOE O'KATCHICUM.

Q. What do you understand Tyrrell promises to do for the Menominee Indians?—
A. I understand the Indians hire the lawyer to get their annuities for them.

Q. Do you understand the Neopit operations are losing money?—A. I hear the Indians talking about the mills not making any money, and that our money in the Treasury is going out—none coming in.

Q. Do you understand that Tyrrell investigated conditions around the mill?—
A. I hear other people say that the lawyer went through the cutting around Neopit.

Q. Do you yourself think that the Neopit operations are losing money now?—A. I know they are. The Neopit mill has been losing our money ever since it started. I know this because we do not get our annuities now like we used to.

I hereby certify that the above questions were asked by myself and answered in the manner indicated by Joe O'Katchicum, an enrolled Menominee Indian, the questions and answers being interpreted by John F. Wakechon, assistant clerk, Keshena, who also certifies the same to be correct.

(Signed)

H. P. MARBLE,
Assistant Superintendent.

JOHN F. WAUKECHON,
Assistant Clerk.

KESHENA, WIS., *January 13, 1914.*

39. TOMAW—STATEMENT OF PETER TOMAW.

I have never talked with Mr. Tyrrell personally, but the members tell me that he has investigated and finds that lots of money has been wasted on this reservation, such as buying automobiles and erecting fire towers, and he has promised to recover all of this money for the tribe. I know that the agent never asked the tribe if they wanted these automobiles bought or these towers built. I know that the Neopit mill is losing money, because we have not received any money this year in annuities. If we were getting our annuities I would know that the mill was making money, for when we used to log ourselves we made money and put it in the bank. I am sure there is timber being wasted, as Mr. Tyrrell says, for I have seen logs cut last winter which have not yet been taken to the mill. Those who talked for Mr. Tyrrell promised that he would get us our annuities and get back all of our wasted money. I am president of the Temperance Society of West Branch, and loaned \$20 belonging to the society to Mitchell Komanekin, to be used to pay Tyrrell, but the tribe is to pay it back. I do not have any papers to show that the money is to be paid back, but am sure that they will do it.

PETER TOMAW (his thumb print mark).

Witness to mark:

FRANCES M. BADGER.

Financial Clerk, Keshena Indian School, Keshena, Wis.

Statement made in presence of—

JOHN F. WAUKECHON, *Assistant Clerk*.

H. P. MARBLE, *Assistant Superintendent*.

KESHENA, WIS., *January 12, 1914.*

SUPPLEMENTARY REPORT OF MR. EDWARD E. AYER ON THE MENOMINEE INDIAN RESERVATION, JANUARY, 1914.

President Vaux and gentlemen of the the Indian Commission, in my letter transmitting my report I said I would probably have a supplementary report to submit. I concluded to try to get expressions from more of the Indians, in the first place, and from some I had already examined on a little different ground, so I transmit now the balance of my report.

The questions I asked of the Indians pertain in particular to the promises which have been made by the people who are endeavoring to get the position of attorneys for the tribe, and I present Mr. Lookaround's testimony as Exhibit 13 A.

About January 8 I got a letter from Mr. Mitchell Oshkenaniew, in fact two letters, which I present as Exhibit 25 C. You will notice that during September Mr. Ballinger wrote Mitchell Oshkenaniew a letter stating the total loss to the tribe during the five years' operation was \$1,429,426.41. Such method as this was used to inflame them against the conditions there, of course. You will notice that Mr. Ballinger had evidently forgotten there was several hundred thousand dollars' worth of lumber and a great many other things that should be credited to this amount.

A question asked Mr. Tyrrell, and his answer, I present as Exhibit 27 A, to go with other things pertaining to him in my former report.

I felt I had not gone as carefully as I desired into the lumber operation, credited stumpage, etc., for the past three years, so I asked Mr. Nicholson for information as to how much lumber had been logged, manufactured, and sold during each of the three years; how much stumpage was charged against each class; what percentage was left after charging the said stumpage as profit for the year; and also if the stumpage rate that he was using was about the same as used by other lumber companies, as far as he knew; and the percentages of earnings on capital stock after said charges.

I submit this as a special exhibit, No. 33. You will note that after charging stumpage of 443,176 there was a net profit of \$245,213, and he has answered my question as to the percentage paid on the capital stock on the second sheet of this exhibit; also figured how much it would be if the \$269,108 before he came there was taken out of capital stock.

I have interviewed one of our leading lumber companies—the Oconto Co.—and showed them the stumpage rate used by the Menominee mill. They didn't think it was enough, although they thought our white pine was probably better than theirs (they used \$10 a thousand and the Menominee figure is \$11). I find, on using the list given me by them on the entire cut of the three years on each class of timber that it adds up \$39,879.38 to the stumpage, which, subtracted from \$245,213.55 leaves \$205,334.17 net profit after charging stumpage to proper amounts as indicated by the president of the Oconto Co. I will also say that the stumpage used at the mill was that recommended by the Indian Office, letter of February 5, 1912, I. O. File 102661-1911.

At the end of Exhibit 33 you will find three sheets giving the cut of each year, of each class. As already stated in my former report they were forced into cutting more white pine than usual on account of the fire, for the two years 1911 and 1912. During the years 1912 and 1913 they only cut three million, which was less than 10 per cent, and you will see from the former report that the amount of white pine on the entire reservation is 10 per cent of the estimated quantity.

As it may not be in quite as good shape there, I include a copy in this is Exhibit 33A, showing the estimated timber on the entire reservation; and also on this same sheet I give the prices furnished me by the Oconto Co.; and I also send you as Exhibit 33B, a sheet showing the total cut of each class of timber cut on the reservation for the past three years, and the stumpage carried out as per the Oconto Co.'s recommendation.

I am sending another set of Mr. Kennitz's testimony, which has his affidavit annexed, and this will take the place of Exhibit 4 which I have already sent you.

Exhibits 34, 35, 36, 37, 38, and 39 are the opinions of Indians about Keshena, in regard to the affairs and what action Mr. Tyrrell has taken in regard to the reservation. You will notice in No. 35, Pywaukee, he states that they had already paid Mr. Tyrrell \$500.

You will notice that practically all those men who have furnished money to Mr. Ballinger and Tyrrell have been told that they would get it back, out of the tribal funds. You will notice in one case, Exhibit 39, Tomaw, where he has taken \$20 belonging to the Temperance Society to put into the fund for attorneys—says the tribe is to pay it back.

Now, as I understand the law, nobody can represent these Indians unless it is approved by the Government in Washington. If that is true, it is entirely illegal to ask these Indians for any money for any purpose until such approval had been

gained and attorneys for the tribe had been established. If I am right about this, these men should be made to immediately refund this money to the members of the tribe, as they all say the money is to be refunded from the tribal funds that they advanced.

I am inclined to think, under the circumstances, that the Indians on this reservation ought to have some money in the shape of annuities in the near future. They have been having it, more or less, for a good many years, and you will note all the way through the testimony that they practically all claim that if they were getting their annuities they would think it was all right, but that the money must have been lost, because they don't get annuities.

The recommendations that I have made, as far as furnishing farm lands, money for education, tribal cattle, etc., will take more or less time, and most of them need legislation before they can be carried out. In the meantime it is very necessary that conditions should be quieted on the reservation; and I think that if this was done, and done through the hands of the Government itself, without any lawyers or outside influences, it would have a most salutary effect on the entire tribe.

Respectfully submitted,

EDWARD E. AYER,

Member of the Board of Indian Commissioners.

JANUARY, 1914.

LETTER FROM D. F. TYRRELL.

DECEMBER 13, 1913.

Hon. EDWARD E. AYER,

Chicago, Ill.

MY DEAR SIR: As the copy forwarded to me does not give the full gist of our conversation and in instances leaves it unfinished and incomplete, possibly due to the fact that I spoke too fast for your stenographer, and as it does not cover the matter as fully as I desire, I am sending you a corrected statement with reference to the matters discussed.

Mr. Ayer, during the course of the last conversation which I had with you while at Neopit and just before you left, you referred to the critical condition of the Menominee Tribe due to the great dissatisfaction and the feeling of unrest which prevails throughout the reservation. If I remember right, you referred to the condition of the tribe as being dangerous. You also made the statement that you felt that I had a great influence with the tribe and that owing to that influence I was the proper person to quiet this feeling of dissatisfaction and unrest; that I should inform the members of the tribe that conditions were all right on the reservation, that the tribe was making money, and urge the members to turn their attention to agriculture.

I answered you at that time that I did not consider the conditions on the reservation all right; that I did not consider the tribe was making money, but on the contrary losing money; that I did not consider it advisable to urge the members of the tribe to go to farming until the conditions existing on the reservation had been corrected and means provided whereby they would be able to support themselves while clearing their farms and to build the necessary buildings and provide stock and farm machinery, and that, even if the necessary means were provided at this time, the move would not be successful so long as the tribe felt that tribal property and funds were being wasted through the operations at Neopit and that, as an honest man and an attorney, I could not look the members of the tribe in the face were I to advise them to lay down before the rights, for which they were striving, had been attained.

Your reference to the influence which you felt I had with the tribe, coupled with the fact that I realized as you did the gravity of the situation existing on the reservation, and the further fact that I felt I had, in a large measure, the confidence of the tribe, and that they were depending upon me, locally, to safeguard their interests and advise them honestly and fearlessly, placed upon me, Mr. Ayer, a responsibility which I carried from your presence and which I felt was paramount to any personal interest which I might have in the premises.

I felt then, as I do now, that the great dissatisfaction existing throughout the reservation must be checked and wiped out at once or great injury and suffering would result, not only to the tribe, but also to the individual members thereof.

Moved by these considerations, I took up the matter with some of the leaders as well as other members of the tribe.

The result was that we arrived at the conclusion that this discontent and dissatisfaction would remain unless the conditions and circumstances which brought it about were eliminated.

We also arrived at the conclusion that there was but one of two ways by which the existing conditions could be eliminated.

First. By a thorough investigation of all tribal matters. It was suggested, however, that this investigation would undoubtedly prolong this feeling of dissatisfaction and unrest for a considerable time, as it would simply lay the foundation for the remedial measures, which would, of necessity, have to be taken in order to change the conditions existing and which would, of course, take time.

Second. By allowing the tribe to employ attorneys through whom and by whom the conditions prevailing upon the reservation could be made known to the department and the proper remedies applied by the department, and by allowing the tribe, through their attorneys, to sue for the loss which it has sustained through the operations at Neopit and by the department taking the tribe into its confidence to the extent of listening to and investigating any recommendations that the tribe might make with reference to the men placed over them.

It was felt that, if this last course be taken, it would ultimately attain all the results of an investigation, but with this in its favor, that it would quickly allay this excitement and dissatisfaction, as the members of the tribe would feel that their rights were being safeguarded and that gradually and in an orderly manner the conditions to which they are subject would be righted.

The conclusion was also reached that, unless this last course was adopted, the only other course was an immediate and thorough investigation of tribal affairs.

Mr. AYER. Who are the "leaders of the tribe?" Give me their names.

Mr. TYRRELL. There are a great many—I could not give you all the names. There is Lewis La Frambois, Tom Prickett, Adolph Amour, Tom La Bell, Joe Longley, Joe Wabeno, Paul Tebeau, Sam La Frambois, Frank Gauthier, Mose Tucker, Simon Beauprey, George McCall, Joe Lawe, Paywaukee, Weekesit, and many others, whom I have not space to mention, but who enjoy in an equal measure the confidence of the tribe.

Mr. AYER. What is the nature of these claims that the Indians have got? Do they want to collect for what was lost before the mill was started—by the windbreak and that sort of thing?

Mr. TYRRELL. We have put that out very fully in our application to the department. That is, the operations at Neopit have entailed a loss of over \$1,000,000, including the loss entailed by the blow-down and from the lumber operations since the building of the mill.

And then there is a bill pending before the department for the enrollment of a large number of half bloods, and the members of the tribe desire every man to become enrolled who can show a legitimate right to be there, but not otherwise, and they wish to be protected against those who have no right.

And then there is the claim which the tribe has against the Government and the Stockbridge Indians for the timber cut on what is known as the "Two-Mile Strip," as well as many claims growing out of tribal treaties.

Mr. AYER. What do you think about the recommendation I am going to make: That the Indians take up farms? Don't you think it is a good one?

Mr. TYRRELL. I believe that, applying to a large number of the Indians on the reservation, it is the ultimate solution of their social welfare. I am also convinced, as I have stated before, that I do not consider it advisable for the Indians to undertake farming on the scale contemplated by you until the conditions now existing on the reservation are remedied and also help extended to them. I firmly believe that if the existing conditions are met as I have suggested, a number of the Indians would select their farms and begin next spring, providing, of course, that some method was devised by which they could get help.

Mr. AYER. Have you taken this up with the department?

Mr. TYRRELL. No. That would really be a matter that would be outside the scope of our employment, although it could if desired be made so; that is, to make suggestions, etc., as to the methods by which help could be extended to those farming.

If you feel that you can recommend that the tribe be allowed to employ its counsel and allow them to work out a solution with the department of the conditions existing, which would relieve the intense feeling among the tribe, and also recommend that the department as much as possible take the tribe into its confidence and pay attention to and investigate the recommendations which the tribe might consider proper to bring to the attention of the department, with reference to its employees, I feel that a good step would be taken.

Mr. AYER. Well, now, the matter of expense is a very important one. Now, what would the expense be?

Mr. TYRRELL. Our contract provides for \$8,000 a year for Mr. Ballinger and myself. We contemplate a local man near the tribe and Mr. Ballinger in Washington to attend to matters there, we jointly to handle the litigation of the tribe.

Mr. AYER. Well, of course, you would be the local man?

Mr. TYRRELL. Yes; I would be the local man. I feel that, while I have their confidence, I have no "cinch" on the tribe. They are at liberty to hire anyone they please.

Mr. AYER. When I was at Neopit, you said you had never received one cent of compensation?

Mr. TYRRELL. Up to date I have never received one cent of compensation. About three and a half weeks ago I received \$125, which has not been sufficient to meet my expenses to Washington and since that time.

Mr. AYER. That came from the tribe?

Mr. TYRRELL. Yes. At the present time I am guaranteeing my expenses myself; they are not paid by the tribe; I have to foot them myself. The tribe is under no legal obligations to me for any services I have rendered them to date, but the conditions there have been and are so urgent that they require immediate attention, so much so that I could not allow the lack of money on the part of the tribe to keep me from doing what I could to see that justice is done them. Mr. Ayer, I don't know whether your attention was called to the condition of the Pagan Indians or not?

Mr. AYER. No; I didn't have the time to look into that.

Mr. TYRRELL. At Mr. Wyeskesit's request I visited several families of Pagan Indians. I was able to endure but three families; their condition was so pitiful and demanded so much relief that I simply turned sick, and I could not continue visiting the remaining families there.

Mr. AYER. You are perfectly satisfied that every opportunity was given you at the plant to present your case, under the circumstances?

Mr. TYRRELL. No. I can not say that, from the fact that I could have kept your men there at least two weeks.

Mr. AYER. That would not have been consistent.

Mr. TYRRELL. But when you consider that the conditions to which we called attention are practically the prevailing conditions over the entire area of operation, you can see that we could cover but a small fraction in the few hours that we were out. I must say that I do not consider that "every opportunity" was given me to present our side of the case. Far from it, Mr. Ayer.

What would be your position in this matter, if I may ask?

Mr. AYER. I would not recommend any attorney or attorneys, because it would be division of authority. There would be two different interests that the Indians could go to. Every time an Indian was discharged, or anything else, he would come to his attorney; and that would mean a report to Washington, and the superintendent would make another; and it seems that in any business the more divided authority you have the more you are liable to fail.

Now, if the United States can have a man that is taking care of 40,000,000 feet of lumber a year practically, cutting, sawing, and selling, and then have charge of 1,700 people, sick, lame, and lazy, and all for \$3,500; and I certainly would not recommend that they pay lawyers \$8,000 a year for presenting the ordinary business of the tribe which the Government is under obligations, through their Indian Department and special agents, to attend to themselves. I would not recommend anything of that kind.

Mr. TYRRELL. As far as the "division of authority" is concerned, I don't believe there is any contract that contemplates any division of authority, and there certainly would not be any.

Mr. AYER. Yet you say that you would present their grievances, etc., if you had the power and right to go in on the reservation and listen to the complainants who had a grievance. The Government has their agent there for that purpose, and I don't believe the Government has any right to permit the Indians to spend any money for attorneys. If there are individuals that want to employ attorneys, and they have money to pay for them, all well and good.

Mr. TYRRELL. Now, if you knew the number of cases I have had to attend to and which demand attention—

Mr. AYER. You mean in this tribe? Then in that case you have been doing part of the duties of the Indian agent, of course.

Mr. TYRRELL. No; not at all. These are matters which the Government should have attended to, but which the Government never has, and I don't believe the Government ever will.

Mr. AYER. Am I to consider, then, that you haven't any faith in the Government ever settling these claims?

Mr. TYRRELL. I have absolute faith in the present officials at Washington connected with the Indian Department. But I don't believe that it is possible for the Indian Department, through its local department, to obtain for the Indians that full measure of justice which an attorney, who is employed for the tribe and paid out of tribal funds, would secure.

In connection with this "blow down" in the logging district, some of the members have approached me, and stated that they felt the tribe would desire the settlement of these claims, with the exception of that of Cook, upon the basis of what was actually due the contractors at the time of the closing of operations, with a reasonable per cent interest, providing we as their attorneys would stand between them and the suing contractors.

Mr. AYER. You think they would save money by having you do that?

Mr. TYRRELL. Now understand, Mr. Cook, outside of his own claim, has claims; I have been informed, aggregating in the neighborhood of \$100,000, if not \$130,000—I don't know. I believe those claims could be settled for an amount in the neighborhood of \$25,000 to \$30,000, or, in other words, for the amounts due the contractors at the time of the closing down of operations, with a reasonable per cent interest. Understand, I am not referring to Mr. Cook's personal claim in this connection, or at any time with reference to these claims, but simply to those claims which, I have been informed, Mr. Cook has taken to collect for certain other contractors, including a number of Indians.

Mr. AYER. There were certain deductions made by Mr. Brannif from all the claims, the reasonable cost for running the logs, as they never were run. Then, in addition to that there was penalties for cutting green timber, etc., which he docked them for, too. Now, isn't it a fact that the Government has considered these deductions and if anything ever is paid out it goes to a few white men? How do you save money for the tribe in that way?

Mr. TYRRELL. Mr. Cook's claims call for not only the amount actually due, including those deductions, but also claims for damages for breach of contract, etc., which bring it up from \$25,000 to \$100,000 and over. Now, if it is considered that these claims are proper to be paid it means that the sum of \$100,000 will come out of the tribal funds. Now, if the tribe is allowed their attorneys and they can settle for \$25,000 they are saving the difference between \$25,000 and \$100,000.

Mr. AYER. I see. The Government claims that they don't owe anything. Now, these men who have \$100,000 damages, etc., you think you could get off?

Mr. TYRRELL. These Indians who have contracts and who have certain amounts coming on those contracts and which have been held back have stated to me that they thought the tribe would be willing to vote for settlement on the basis of what they claim was actually due, with a reasonable per cent of interest, providing we represented the tribe to see that these conditions were brought about which I have just outlined.

Mr. AYER. Isn't it a fact that the Indian Department and the Government claim that they don't owe these claims? Isn't it a fact that if they paid any money on those claims of any name or nature it would only go to the few loggers who have those claims and would come out of the funds of the Menominee Indians?

Mr. TYRRELL. The position I take is that the Government will have to pay every dollar due on these contracts. Certainly it has got to come out of the tribal funds, but they would be willing to pay this because there was a chance that they would have to pay more if they went to law.

Mr. AYER. Mr. Tyrrell, your coming here to discuss these things with me is perfectly proper.

Mr. TYRRELL. I take it so.

Mr. AYER. And it is just as proper for me to disagree with you.

Mr. TYRRELL. Absolutely. Mr. Ayer, I have given this matter a great deal of time and attention, through the fact that I feel that these conditions must be done away with, the tribe must be quieted, and as many as can must be taught farming.

Mr. AYER. Yes; that is one of the first things I took up with them.

GILLET, Wis., January 12, 1914.

Hon. THOMAS F. KONOP,
Washington, D. C.

MY DEAR TOM: I am inclosing you a copy of some affidavits that I took while at Shawano last Saturday. They show to what lengths that man Ayers went to while on the reservation. I am going to show up the conduct of this man while he was making this investigation as a member of the Board of Indian Commissioners. I feel that these affidavits should be filed with your Indian Committee and the committee made acquainted with the work of at least one member of that board, who are asking for an increase in their appropriation.

I want to call your attention also to the condition of Menominee Indians through the falsehoods of this man Nicholson. While we were on the reservation making the

investigation the last of November or the first part of December last Nicholason told the Indians that they would receive an annuity payment of \$30 per capita on or about the last of the past year or the first of this. He also told them that the money was all ready, but that Mr. Sells wanted to find out why \$5 was paid at one time, \$10 at another time, and \$10 at another time, and that just as soon as he found out this he would order the payment to be made. At the time Nicholason made this statement he knew that an annuity payment could not be made, for the department had so informed him on October 1st, last. You will see this from the letter you received from Mr. Meritt when you wrote him with reference to the annuity payment. As a result of this statement on the part of Mr. Nicholason a large number of the Indians run in debt, and now they can not meet it, and when the storekeepers know that they are not going to get any annuity payment they will not give them any more credit, and the poor people will suffer.

There are at least 300 members of the tribe who are going to bed hungry these days, and their condition should be investigated at once. Mr. Ballinger has the affidavits with reference to these conditions, and I wish you would get in touch with him and take the matter up with the department with a view of getting some relief, and if you can not accomplish anything there I wish you take up the proposition getting an appropriation to relieve this want. The condition of these people, both pagan and old people as well as young people who can not get work to do, are pitiful in the extreme. Kindly give this your attention, Tom, as these people need help and need it at once. With regards, I remain

Your friend,

D. F. TYRRELL.

The conversation that I had with Ayers is a matter of record, and I think you have a copy of it. At the last part of it is a statement by Ayer that it was perfectly proper for me to discuss the matter that I did with him.

I am not ashamed of anything that I said to Ayer.

STATE OF WISCONSIN, *Shawano County*, ss:

Jos. Law, being first duly sworn, on oath deposes and says that he is a member of the Menominee Tribe of Indians.

That during the last visit of Mr. Edward E. Ayer, a member of the Board of Indian Commissioners, to the reservation he, the said Edward Ayer, called at the residence of this affiant at Keshena, Wis., and in the presence of this affiant's wife stated that Mr. D. F. Tyrrell, one of the attorneys for the Menominee Tribe, had called at his office in Chicago and had asked him to help him in Washington. That Mr. Ayer also stated that Mr. Ballinger and the said Tyrrell were representing the claim of one Cook for logging on the Blow Down where they were trying to get \$100,000 where Cook was only entitled to \$30,000; that this man Tyrrell did not know a pine from a hemlock; that he, Tyrrell, is just like a child and that they, Ballinger and Tyrrell, had no influence at Washington; that that boy [pointing to boy about 13 years old] has more influence in Washington than Ballinger; that the tribe does not need attorneys; that they will only throw their money away to hire attorneys; that Nicholson ought to get from \$10,000 to \$12,000 a year instead of \$3,500 for what he is doing for the tribe; that from the way and manner in which the said Ayer had stated that the said Tyrrell had asked him, Ayer, to help him, Tyrrell, in Washington, he, this affiant, was led to believe that the said Ayer wanted him, this affiant, to think that Tyrrell had asked him, Ayer, to do something that was improper.

JOS. LAW.

Subscribed and sworn to before me this 10th day of January, 1914.

FRANK S. GAUTHIER,
Notary Public for Wisconsin.

(My commission expires March 7, 1915.)

STATE OF WISCONSIN, *Shawano County*, ss:

Mose Tucker, being first duly sworn, on oath says that he is a member of the Menominee Tribe of Indians.

That during the last visit of Mr. Edward E. Ayer to the Menominee Indian Reservation this affiant met the said Ayer in Keshena, Wis.; that the said Ayer stated to this affiant that D. F. Tyrrell, one of the attorneys for the Menominee Tribe, had the gall to visit him in Chicago and ask him, Ayer, to do him, Tyrrell, a favor.

That from the way the said Ayer made this statement this affiant was led to think that the said Ayer wanted to convey the impression that the said Tyrrell had asked him, Ayer, to do something that was improper.

MOSE TUCKER.

Subscribed and sworn to before me this 10th day of January, 1914.

FRANK GAUTHIER,
Notary Public for Wisconsin.

(My commission expires March 7, 1915.)

COPIES OF LETTERS TO TYRRELL.

NEOPIT, WIS., *December 16, 1913.*

D. F. TYRRELL.

DEAR SIR: I was just talking to Jos. Law. Mr. Ayer called on him last evening. What took place there Prickett will let you know as Tom went down there this morning. I was going down there this afternoon, but changed my mind as our baby is not yet out of danger. It is just as well I did not go as I do not like the way this man Ayer is using me. He told Joe Lawe and his wife I had mortgaged my property to send Mr. Ballinger \$250. He says that is all Mr. Ballinger is looking for is easy money. He did not know how I ever was going to get my money back, that you and Mr. Ballinger did not amount to anything in this affair. Now I am going to give it to you straight. It is a lie what he is telling about me, a dirty lie. I did not mortgage my property, because I have no property; he is just trying to make trouble for me. He also said you and Mr. Ballinger was not worth \$8,000 a year; that this tribe ought to pay Mr. Nicholson \$12,000 a year for the work he is doing for us. He had better beware as those Indians are very much stirred up over this. This is my foolish way of thinking there may be a combination here that might read "Ayer, Nicholson & Abbott." I tell you I don't like the looks of this at all, not that I have any doubt about the outcome of this, but the way this man is acting he may be implicated in some deal here.

I know this much; if Ayer said I mortgaged my property, he is a liar; and he said it. I don't think Joe Law would lie to me.

Respectfully, yours,

LOUIS D. LAFROMBOIS

KESHENA, WIS., *December 16, 1913.*

MR. D. F. TYRRELL,
Washington, D. C.

SIR: Your letter received yesterday. I returned from Neopit last evening and on my way heard that Mr. Ayres was in Keshena, I met him just as I reached the village. This morning I had an interview with him, and I find there is no limit for praises on the part of Nicholson's good management. I told Mr. Ayres, or Hires, that he told us Menominees at Neopit he was here for the sole purposes of investigating the Neopit operations proper, and that he was invited to visit the headquarters at Keshena when he was at Neopit before; furthermore I said, "Mr. Nicholson was in Chicago last week; perhaps that is the reason you came back." In reply said, "No; Mr. Nicholson was in Chicago in lumber business, but called at my office." Mr. Ayres also said to me that instead of Mr. Nicholson receiving \$3,500, he ought to get \$10,000 a year.

We Menominee Indians are looking for an investigation as soon as possible and nothing else; we want to show the officials of the department where our business affairs is lame.

Every Menominee Indian says that the man Mr. Ayres is here for the second time to whitewash Nicholson's doings, and it appears to me as if this assertion by the Indians may be true. Is it impossible for the new administration to furnish a good sensible Democrat to come and investigate our matters? If the Democrats cast sufficient number of votes last fall to elect a President it seems to me that out of this number they ought to be able to find a good impartial man in the party who will not take up Nicholson's part or the Indians, but report the facts, and that is what we want, just the facts and the true conditions of our affairs.

Hoping and wishing you unlimited success.

I am, yours, very respectfully,

FRANK S. GAUTHIER.

Mr. Ayres is preaching cattle to the Indians. We don't want cattle we want sensible men to rectify our business affairs. This is the feeling of the tribe.—F. S. G.

DECEMBER 17, 1913.

D. F. TYRELL,
Washington, D. C.

DEAR SIR: I hope you don't get tired of my writing. But Mr. Ayer has stirred up those Indians again. Prickett came up from Keshena this afternoon, and he had an awful story to tell. They told him in Keshena to have Nicholson call up a general council while Mr. Ayer is here. It seems he has been calling on certain members of the tribe and from what I hear everybody told him to meet the tribe in council if he wanted to talk to them. His work looks pretty shady. Some of the members thought Tyrell and Vallinger should be given the power of attorney by the tribe to act for them during the investigation. Well I thought different. I told them to wait as you told us in your letter. Mr. Ayer told the Indians you and Mr. Ballinger did not amount to anything in an investigation. Of course it made some of them think. I told them I would write you and get your advice and if you think it is necessary to have a council let us know if such a thing should happen it would be better to take it up with the department to have such a council. Let us know at once. From your friend,

LOUIS LAFROMBOIS.

Neopit, Wis. (Box 12).

I tell you, Mr. Tyrell, something has got to be done, and done soon. If those people done so well as they claim they did, why are they opposed to an investigation? If I was in their place and if I knew my work was right I would help to have an investigation, but if I was short a half million dollars or so I think I would act the same as they are acting.

Christmas is just a few days away now; we are going to have a Christmas dinner. It is going to be salt pork and potatoes. You know, Mr. Tyrell, from what you saw here a short time ago some of those poor Indians are not going to have anything. Our little ones will be home from school; they will come in the house a bounding expecting some nice things to eat as in former years, but they are going to be disappointed. The feeling against Mr. Ayer and Nicholson is not very good. I would not like to answer for what might happen to Mr. Nicholson if the department sees fit to keep him here and it seems they think he is all right. I hear some very ugly talk. As far as I am concerned I can move back to Marinette if it gets too bad, and I tell you I am pretty near ready to move right now.

I heard a remark by a few Indians the other day that I do not like. I am sending this as a warning; I would not like to have any serious trouble here.

LOUIS.

If anything of a serious nature should happen, do not blame the Indians altogether. I am writing this because I am a friend of the white man, and I am a lover of peace. We do not get annuity every six months now. Its been eight or nine months since we had payment.

KIOWA AND COMANCHE RESERVATION

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
SECOND SESSION

TO

INVESTIGATE INDIAN AFFAIRS

MARCH 21, 1914

PART 9

Printed for the use of the Joint Commission



CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.

HARRY LANE, Oregon.

CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEPHENS, Texas.

CHARLES D. CARTER, Oklahoma.

CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.

ROSS WILLIAMS, Arkansas, *Clerk*.

KIOWA AND COMANCHE RESERVATION.

SATURDAY, MARCH 21, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The joint commission met in room No. 128, Senate Office Building, at 7.30 o'clock p. m.

Present: Senator Lane (acting chairman) and Representative Stephens.

Chief Ishiti, Mom-Sue-Quat, Charley Buffalo, and several other Kiowa and Comanche Indians were duly sworn by Senator Lane.

Wilbur Peowa and James Waldo were duly sworn by Senator Lane as interpreters.

Senator LANE. Who is the first witness?

Mr. PEOWA. Chief Ishiti.

Representative STEPHENS. Where is he from?

Mr. PEOWA. The Comanche Tribe of Oklahoma.

Representative STEPHENS. Where is the agency?

Mr. PEOWA. The agency is at Anardarko.

Representative STEPHENS. Who is the agent there?

Mr. PEOWA. Ernest Stecker.

Representative STEPHENS. How long has he been agent?

Mr. PEOWA. About six years.

Representative STEPHENS. Who was agent before him?

Mr. PEOWA. Mr. Blackman.

Representative STEPHENS. Who was agent before him?

Mr. PEOWA. Mr. Randlett.

STATEMENT OF MR. W. S. FERGUSON, ANADARKO, OKLA.

Senator LANE. They want to tell us something about conditions. Is that it?

Mr. FERGUSON. Yes, sir.

Senator LANE. That is what we want. Are you the interpreter?

Mr. PEOWA. Yes, sir.

Senator LANE. All we want to know is the facts without prejudice. We are not trying to hurt anybody or do anybody any injury; but we want to get the right thing for the Indians—to be fair. And that is all an Indian wants—just the fair thing.

Mr. FERGUSON. I want to say this much. They have filed with the Commissioner of Indian Affairs a list of things that they wanted. I think they filed about eight articles.

I will tell you how it came about. They met Mr. Sells at Oklahoma City, the train was late, and they had only about 20 minutes' talk with him. Mr. Sells told these boys to put it in the form of a

petition and send it to him (what they wanted) and he would take the matter up. Well, they became kind of leary about this petition proposition. They had had so many of them come up and be pigeon-holed. So they said they were going to come up here themselves, and that is what brought them up here; they have not asked for a thing only what is on that petition here.

Representative STEPHENS. I will have a copy of that petition here Monday.

Mr. FERGUSON. I didn't know we were going to meet you this evening, and, in consequence, I have not got the petition with me.

Senator LANE. When are you going away?

Mr. FERGUSON. To-night at 11 o'clock. We want to be as brief as we can.

Senator LANE. What is your relation to them?

Mr. FERGUSON. None whatever; only a friend, sir.

Senator LANE. You live down there?

Mr. FERGUSON. I live down there, and I have been doing business with them for 13 years.

Senator LANE. What is your business?

Mr. FERGUSON. No business now at all. I used to be in the hardware business.

Representative STEPHENS. What is your name?

Mr. FERGUSON. W. S. Ferguson. I have been a representative of the Indian Credit Association there. I was at one time president of the Indian Credit Association. That is an association formed for the purpose of procuring information and fixing it so the Indians could procure credit with the business men. There was 18 months there that conditions had been such that they could not get any credit. They don't make any payments to them, you understand, so it became necessary for us to make arrangements whereby these Indians could live and so we could be protected. That is what formed this association. We had an understanding with the agent that we would not foreclose any of the notes or mortgages they might have had on those Indians' property for a certain time. He had an appropriation of \$250,000, and sent a commission down there to pay them, which was very unsatisfactory, I must say, as far as getting them out of debt was concerned. It did not reach far enough. In the meantime they have had their lease moneys and the \$40 payments, and they are in fine condition at the present time. There are 60 per cent of these men, represented by these men here, that are practically out of debt now.

Senator LANE. Lease money for what?

Mr. FERGUSON. On their land rentals.

Senator LANE. Farm lands?

Mr. FERGUSON. Yes, sir.

Senator LANE. Have they fairly good farm lands?

Mr. FERGUSON. The finest you ever saw, I think. The finest in Oklahoma. I will say that much.

Senator LANE. Are any of these men farmers?

Mr. FERGUSON. Every one of them.

Senator LANE. And successful farmers?

Mr. FERGUSON. No, sir.

Senator LANE. Why?

Mr. FERGUSON. For the simple reason they have never had the proper instruction, or no instruction whatever.

Senator LANE. Do they have tools and implements?

Mr. FERGUSON. Some of them.

Senator LANE. Do not all of them?

Mr. FERGUSON. Yes, sir; I will say the majority of them have.

Senator LANE. Are they good workers?

Mr. FERGUSON. Some of them; the majority are not.

Senator LANE. Don't they like the farm?

Mr. FERGUSON. They have never been instructed in regard to this line of work. I would rather for you to ask these Indians on that point, because they might say I was leading them. I would like you to ask them.

Senator LANE. What is the first line you want to take up?

Mr. FERGUSON. The first is in regard to the minors' moneys that is retained in the banks now under the present ruling. They want that money paid to the parents or to the minors when they are married. There are several of those minors that are married, and they ask that the minors' moneys be paid to the parents for their maintenance and support.

Senator LANE. Where are the moneys deposited now?

Mr. FERGUSON. In the banks.

Senator LANE. What money have they got deposited in the banks at present?

Mr. FERGUSON. That is something they can not tell you themselves.

Senator LANE. Is that \$600,000 fund?

Mr. FERGUSON. All their lease money will be deposited. That is an order from the Commissioner of Indian Affairs.

I wish you would ask Chief Ishiti what he wanted in regard to the minors' moneys, how he wanted it paid.

TESTIMONY OF CHIEF ISHITI.

Senator LANE. Now, go ahead with the answer, Mr. Ishiti.

Chief ISHITI (through Interpreter Peowa). We want the children's money to be paid to their parents.

Senator LANE. What is being done with it now that you object to?

Chief ISHITI. The objections that we have is the putting of the children's money in the banks.

Senator LANE. What would the parents do with it for the children now? What use would they make of it if they had the money for the children? What does the chief say about that?

Chief ISHITI. This money, if the parents get it, would help to support the families.

Senator LANE. Is their condition such that they need this money in order to support the families? Are they so poor as that?

Mr. PEOWA. Yes, sir.

Senator LANE. If the parents could support the children until the children became of age, would it not be better for the children to have this fund when they are grown to start in with, to buy themselves a farm or set themselves up in life, if there is enough of it, rather than have it expended for their support now? Are not their parents able to support them?

Chief ISHITI. That would be a good idea, but the funds that they receive is not sufficient to support the families.

Senator LANE. How much is there in this children's fund? How much does it amount to for each child, about?

Chief ISHITI. I have no idea.

Senator LANE. Did any of you ever look into it? Do they make you a report on these things and show you where you stand?

Mr. PEOWA. No, sir.

Senator LANE. Do they draw any funds? The chief himself—does he draw any from the Government?

Mr. PEOWA. It is this way. We have been getting what we call the annuity payment. That has been in the past, and this comes every six months.

Senator LANE. How much is it?

Mr. PEOWA. Fifty dollars; but that has been abolished for two or three years, and these payments that we are getting, it seems to be special payments, and the average is different.

Senator LANE. Have you had any this year? How much have you had this last year?

Mr. PEOWA. They had about \$40, I think.

Senator LANE. When did you get that?

Mr. PEOWA. That has been paid in February.

Senator LANE. When do you get the next payment, do you know?

Mr. PEOWA. I don't know. That is what we can't understand.

Senator LANE. How do these Indians make a living? You say they are farmers mostly. Are they stockmen, any of them?

Mr. PEOWA. Some of them.

Senator LANE. Are they better at farming or better at stock raising? The Comanches, you know, used to be great horsemen in the old days.

Mr. WALDO. They might be just as good workers as any white men—farmers—but they don't have anything to start with. That is the trouble with a great many Indians.

Mr. PEOWA. That is the main trouble.

Mr. WALDO. If the Government wants them to do that kind of work, let them have the money: let them buy the team and buy the provisions with it, and they can farm and do something. But the way they have been held down, how can a man do the thing without having any money?

Senator LANE. That is the opinion of you folks generally, is it?

Mr. WALDO. Yes.

Senator LANE. You think if you had the plows, the horses, the teams, and other things you need you could go out and work a farm successfully, do you?

Mr. PEOWA. There are many able-bodied young men down there, able to do any kind of work, but on account of being short in everything it is impossible for them to do anything, and the right instruction they need.

Mr. FERGUSON. You understand, they have no industrial farmer. They have a district farmer, but about all he does is to take the checks around.

Representative STEPHENS. What is his name?

Mr. FERGUSON. They have several down there, you know.

Representative STEPHENS. How many do they have?

Mr. WALDO. About five or six of them.

Senator LANE. How many Indians are there that these five or six supply?

Mr. WALDO. I couldn't tell you exactly, but there are about five or six of them.

Senator LANE. I mean how many Indians are there—Kiowas and Comanches?

Mr. WALDO. Oh, about 3,300.

Representative STEPHENS. What are the names of these farmers?

Mr. FERGUSON. George Hunt is one of the farmers, and a man by the name of Ray. He is at Anadarko. Mr. Bell—that is three.

Mr. PEOWA. Mr. Bergson is another one.

Mr. FERGUSON. I am not acquainted with them.

Senator LANE. I want to ask you about that. Do not these farmers go around and show these people how to farm?

Mr. WALDO. None whatever.

Senator LANE. Are you a farmer?

Mr. WALDO. Used to farm.

Senator LANE. You have not seen them go around and show the Indians how to farm?

Mr. WALDO. Not at an times. They never come around to my place.

Senator LANE. What is your name?

Mr. WALDO. Waldo is my name.

Senator LANE. Ask the chief if he has ever seen these farmers, and whether or not they go around and teach the Indians how to farm.

Chief ISHITI (through Interpreter Peowa). I never have seen the district farmer come around to show the Indians how to do their work.

Senator LANE. How long have you had these farmers on your reservation?

Chief ISHITI. I don't exactly know when the time was when they began to have district farmers.

Senator LANE. About how old a man is the chief?

Mr. PEOWA. Seventy-five.

Senator LANE. Have there not been farmers on the reservation pretty nearly all the time that he has been on the reservation?

Chief ISHITI. I don't exactly know the time.

Senator LANE. The reason I was asking, out where I live I think we have had farmers there among the Indians all my life, and I supposed the same conditions applied everywhere.

Mr. FERGUSON. I think about 20 or 25 years. I would like you to ask Waldo the same question.

Mr. WALDO. As I said, I don't know. I don't monkey with this.

Senator LANE. How long have you known of there being farmers?

Mr. WALDO. About six or seven years.

Senator LANE. Before that did they have no farmers?

Mr. WALDO. I don't know whether they did or not.

Senator LANE. Do any of these other Indians know? Ask the rest of the boys.

Mr. MOMO-SUE-QUAT (through Interpreter Peowa). I know a farmer to be there some time. I don't know the number of years. It has been quite a while.

Mr. FERGUSON. I was going to ask Mr. Millett there the same question—

Mr. PEOWA. He says he don't exactly know.

Senator LANE. Has it been a number of years or just a short time?

Mr. MOMO-SUE-QUAT. I know that to be ever since they opened up the country.

Mr. FERGUSON. That is 13 years ago.

Senator LANE. That is right; it must have been. Now, don't all of these gentlemen speak English?

Mr. PEOWA. Not all of them; not very well.

Senator LANE. How are your school facilities there? Do the young Indians all speak English?

Mr. PEOWA. Most of them.

Senator LANE. And go to school?

Mr. PEOWA. Yes, sir.

Senator LANE. Have you good schools there?

Mr. PEOWA. They have a boarding school, and then they are beginning to attend public schools, most of them.

Senator LANE. Going to public schools?

Mr. PEOWA. Yes, sir.

Senator LANE. What are the conditions as to health there? Do a good many of the Indians have consumption—tuberculosis?

Mr. PEOWA. Not so very many.

Senator LANE. How about trachoma—sore eyes. Is there a good deal of that?

Mr. PEOWA. I don't know. I don't see very many of them.

Senator LANE. Ask the chief if he notices much of that among his people.

Chief ISHITI (through Interpreter Peowa). There is a few cases.

Senator LANE. What do you say about that, Mr. Millett?

Mr. MILLETT (through Interpreter Peowa). I know a few cases.

Senator LANE. They are a pretty healthy lot of people, then, are they?

Mr. PEOWA. Yes, sir.

Senator LANE. I want to ask you another thing. Is the agent good and kind to them? Does he treat them fairly? Does he look out for their interests or not? Have they any complaint to make?

Chief ISHITI (through Interpreter Peowa). That is one of the main reasons for my coming up here.

Senator LANE. They do not have confidence in him? Doesn't he treat them kindly and justly?

Chief ISHITI. I went up to the agency once upon a time to find out when a payment was to be made, and this agent was writing upon a piece of paper when I came in his office, and he had us standing there before him quite awhile before he looked up and asked us what we wanted, and I said that the people asked me to go up to the agency and find out about the payment, so we came there to see when the payment was going to be made. And the agent told me to go home and stay there. He says he will make the payment some time.

Senator LANE. Then, they don't like the agent. Is that right? What other complaint have they to make against him?

Chief ISHITI. For those reasons we don't want the agent there. I heard that he drinks, and I think that is why he gave us those talks the way he talked to us.

Senator LANE. Is there much drinking at the agency among the Indians?

Chief ISHITI. I don't know.

Senator LANE. What do you know, gentlemen, about this agent? Is he satisfactory to the Indians; and if not, why not?

Mr. WALDO (interpreting). Well, they said if he is a good man they would not be up here at all.

Senator LANE. What is the trouble?

Mr. WALDO. Well, they had some trouble with him by answers, they say, roughly, and like that, which he ought to advise them in such a way in order that they may live.

Senator LANE. Do they go to him for advice?

Mr. WALDO. Yes; they go to him and ask him for information of whatever they want—why, he would not give no good answer at all. Kind of looked to them as he was in charge of soldiers, the way he was treating them.

Senator LANE. I want you to tell the Indians that we are —

Mr. WALDO (interrupting). The agent's place was to go out amongst the Indians and see for himself just what they are doing—how they live. If he wants the Indians to be living in such a way or doing the way that he wants them to do, why doesn't he go out and advise them and not be sitting in the house at all and send farmers out and let them run through the Indians' country without stopping at any houses, but just going as far as their lines go and come right back by the office and report everything is all right?

Senator LANE. Does the agent ever go out around the reservation?

Mr. WALDO. No, sir; not any time.

Senator LANE. Have you ever seen him at all?

Mr. WALDO. No, sir; not any time.

Senator LANE. I was going to say to you a moment ago that we are putting an amendment in the Indian bill so as to allow the Indians to have a voice in the selection of the agent after this.

(The foregoing statement was interpreted to the Indians by Mr. Peowa.)

Senator LANE. Now, has the agent ever visited the chief's house to see how he was getting along?

Chief ISHITI (through Interpreter Peowa). No.

Senator LANE. Has he ever consulted with him about how things ought to be managed for the benefit of the Indians?

Chief ISHITI. No.

Senator LANE. Has he ever been to that gentleman's house there [indicating another Indian]?

Mr. WALDO. No, sir.

Senator LANE. Has he ever been to any of your houses to find out how you were getting along and to advise you?

Mr. WALDO. No.

Senator LANE. Have the farmers ever been to your house to see how you were getting along and look over your ranch?

Mr. PEOWA. Chief Ishiti says he never seen a farmer come to his place.

Senator LANE. Has he never been to your places to consult with you—none of you?

Mr. WALDO. It is a fellow says that one of the farmers comes over to his house one time.

Senator LANE. What is his name?

Mr. WALDO. Ed Cable.

Senator LANE. How many times?

Mr. CABLE (through Interpreter Waldo). About five or six times.

Mr. FERGUSON. What did he come for?

Mr. CABLE. He brought applications to be signed up.

Senator LANE. He did not come to consult with him?

Mr. CABLE. No; just brought the applications to be signed.

Senator LANE. Now, does the agent or superintendent ever come to your places to see how you are getting along, whether you have plenty to eat, whether you get your crops in, whether you have plenty of clothing, and how your children are getting along? Ask them that.

(The question was interpreted by Interpreters Peowa and Waldo.)

Mr. WALDO. No; not any of these people here; no.

Senator LANE. He does not apparently take any interest in any way at all then?

Mr. WALDO. No; sir. No; not any time.

Senator LANE. It is suggested to me here that these Indians have had trouble about collecting their lease money for their allotments. Do you know anything about that, whether they have or not, whether they have been able to collect their rents or not?

Mr. PEOWA. Some places they have a pretty hard time.

Senator LANE. How far back does that extend? How far back have they failed to pay you your lease money?

Mr. WALDO. The agent is always reporting when Indians come to him and want to know whether this money is paid in. The agent says, No; it is not. And it will probably be the same Indians coming over for the same things five or six times, and the agent answering the same answers over and over.

Senator LANE. That is, after the rent is due. Sometimes the rent was not collected in for a way along a year or two. This is how come the Indians don't like him in that line, which is the lease money should be collected and in the proper time. But he passed him on—went on and extend him so many day. If they don't pay the Indian, the Indian come back. The agent says, "No." He say, "You write to the party I want that money immediately." The agent says, "How can I collect? They don't got no money." Why should the agent lease to such people that are not prompt pay? That is the objection they have.

Senator LANE. Do these Indians have to borrow any money?

Mr. WALDO. They have to borrow money, if they know just when they get their pay. They got so they couldn't borrow a penny from any bank.

Senator LANE. How much interest do they pay?

Mr. WALDO. Twenty-five to fifty, to a dollar.

Senator LANE. Twenty-five to fifty cents on a dollar?

Mr. WALDO. Yes.

Senator LANE. For how long a loan?

Mr. WALDO. A month.

Senator LANE. Oh. I have known that to be done. I have heard that a number of times. Is that really the case?

Mr. PEOWA. In some places.

Senator LANE. How about goods—when you buy groceries and clothing?

Mr. WALDO. Double price. Well, Indians get an order to buy the groceries in a certain store. You know, the agent has got an advantage of the Indians by giving orders out. They have to pay a big price. If the Indians have the money they can go anywhere they please.

Senator LANE. That is what I mean. Whenever they take an order and go to get goods they have to pay extra?

Mr. FERGUSON. Yes, sir.

Senator LANE. How much extra?

Mr. FERGUSON. Well, it is owing to the man's conscience.

Senator LANE. And it is liable to be double price?

Mr. FERGUSON. Yes, sir.

Senator LANE. That makes it very hard to get along?

Mr. FERGUSON. Very hard, sir.

Mr. PEOWA. The same way with all the implements they buy. Whenever they are going to buy a team, we will say, they ask for a certain amount, and they get authority from here—from the Indian Office. The agent turns it over to the farmer and the farmer goes to the Indian and tells him that authority is there for him to buy a team. Well, this Indian goes around and finds a team that he thinks suits him, that he likes, and gets the farmer to inspect the team. The farmer tells him that he couldn't buy the team. He goes to certain places that the farmer want the Indians to buy their teams at.

Senator LANE. That is right, is it?

Mr. FERGUSON. That is right.

Senator LANE. Now, these Comanche Indians used to be great horsemen on the plains. They ought to be as good judges of horses as anybody.

Mr. PEOWA. Yes, sir; I think so.

Senator LANE. They used to be.

Mr. FERGUSON. Now, your honor, I want to call attention to one thing which these boys here are failing to bring out, and that is this:

He spoke there about having to sell a dead Indian allotment. Now, they get authority to build them a house, to build a barn, to buy a nice team of horses, and they allow them to spend about so much money for them. Buying this span of horses, they pick out a span of fine, corn-fed horses that are worth \$300 or \$400, but they don't make any provision for the Indian to buy any feed. He picks them out, and in a year the three or four hundred dollar team is not worth \$100, simply for the reason that they do not allow them anything to buy grain and things to take care of this team, and the farmer does not show them how. They do not understand that this horse is a different kind of animal from the little pony that can live on mesquit grass and that it must have a certain care that the native horse is not used to. They do not realize those things. There is a great loss there every year to these men on that line.

Senator LANE. Is that the fact, as you understand it?

Mr. WALDO. Yes.

Senator LANE. I have heard it stated that the farmers sometimes make a commission or make a profit on the selling of these horses. Is there any truth in that statement?

Mr. FERGUSON. Not to my knowledge, sir. I don't know.

Senator LANE. They have matrons there, too, do they?

Mr. FERGUSON. Yes; they have matrons.

Senator LANE. How many do they have?

Mr. FERGUSON. They have the missionaries.

Senator LANE. I mean matrons.

Mr. FERGUSON. They are all the same. They are the only matrons they have there.

Senator LANE. Do they look out for the Indians and advise their families and show the women how to keep house and how to live in the right way?

Mr. WALDO. No, sir; they don't.

Senator LANE. What do they do?

Mr. WALDO. Stay at home, wherever there is a place to stay.

Senator LANE. What benefit are they to the Indians?

Mr. WALDO. Nothing.

Senator LANE. Don't they come to your house and talk to your wife and show her about taking care of the children, one thing and another?

Mr. WALDO. No.

Senator LANE. Is that true with all of you? Has the matron never been to the houses of any of these Indians to show their wives how to take care of the babies——

Mr. WALDO. No.

Mr. PEOWA. No; they never come to visit them to show them anything.

Mr. FERGUSON. I want to ask Wilbur a question here. Wilbur. I want for you to state to these gentlemen in regard to the matron that some of your folks asked to learn them how to make a cake.

Senator LANE. What is that?

Mr. FERGUSON. Some of his folks asked a matron to show them how to make a cake, or something like that. Tell these gentlemen what you told me.

Mr. PEOWA. This field matron is located near our place, and the time this happened I was not home. She came over to our place, and my aunt asked her to show her how to make a certain kind of a cake, and she refused, saying that she was not out for that kind of work. I don't know what kind of work she is doing. Of course, we are paying her out of our Indian fund, and have her a buggy and, I suppose, a team.

Representative STEPHENS. Do they act as nurses when you are sick?

Mr. PEOWA. No, sir.

Representative STEPHENS. Do they look after the women in any way?

Mr. PEOWA. No, sir.

Representative STEPHENS. Do they give them any advice and consult with them in any way that you know of?

Mr. PEOWA. No, sir.

Senator LANE. Have you good doctors there?

Mr. PEOWA. I don't know nothing about the doctors. They are at the agency.

Senator LANE. What do you do when you are sick? You get a physician, don't you?

Mr. PEOWA. Yes, sir; we get a physician from the towns we are living nearest.

Mr. FERGUSON. They hire them and pay them themselves.

Senator LANE. Is there a reservation physician there?

Mr. FERGUSON. Yes, sir; but they are 35 or 40 miles from some of these people.

Senator LANE. What do they do in cases of child birth? Don't they always have a physician to attend the women?

Mr. FERGUSON. No, sir. As I understand, some have a physician, but the majority of them have midwives.

Senator LANE. Indian women?

Mr. FERGUSON. Yes; Indian midwives.

There is another thing they are asking for. They do not want the general restrictions removed on their lands, only on certain conditions. They don't want general restrictions on their lands, so that they will have to pay taxes on them. They want to still hold it according to the Jerome treaty that is in the petition.

Senator LANE. I am in favor of that, as far as I am concerned.

Mr. FERGUSON. Of course, they claim that wherever there is a man that is qualified and a competent man, and if the restrictions can be removed from a dead quarter where he can sell it and build up the other home, it is all right. But the general restrictions is what they mean; they don't mean these isolated cases.

Senator LANE. Is there any attempt being made to do that that they know of?

Mr. FERGUSON. In some cases I notice that some of them have the restriction removed that I don't think should be done. Some should be removed.

Senator LANE. Now, in building houses for these Indians, who undertakes to do that? The agent or superintendent?

Mr. FERGUSON. They let them out by contract, sir.

Senator LANE. Is that satisfactorily handled?

Mr. FERGUSON. I am not in a position to state. Ask them.

Senator LANE. How is that? Do you get your houses built at reasonable prices and well constructed?

(The question was interpreted to the Indians by Interpreters Peowa and Waldo.)

Mr. PEOWA. Chief Ishiti says that the houses are not very good that are built for them through contracts.

Senator LANE. Did any of you ever see the agent under influence of whisky? I have been informed that he sometimes took too much fire water.

Mr. PEOWA. Chief Ishiti says that he never seen the agent, for the reason that he is far away from him.

Senator LANE. Do any of these other gentlemen know anything about it?

Mr. PEOWA. No; they say they never seen him personally, but they say they heard from another Indian that he offered him a drink.

Senator LANE. Is there any whisky allowed to be carried onto the reservation?

Mr. PEOWA. Mom-Sue-Quat says he don't know.

Senator LANE. Do you Indians have any trouble to get a drink of fire water when you want it?

Mr. PEOWA. Chief Ishiti says he thinks it is hard to get. [Laughter.]

Mr. FERGUSON. I can say for these gentlemen that there is very few of these boys that indulge in anything like that. They are very temperate people. There is some of them that take a drink when they can get it, but, take them as a general rule, they are very temperate. I will say that much for them. If they was not, I would not be up here helping them at all.

Senator LANE. There are millions of white people, you know, that will drink whisky if they can get hold of it.

Representative STEPHENS. Is there anything else?

Mr. SLOAN. Have there been any instances where banks have signed bonds for the white people who have leased the Indian lands?

Mr. PEOWA. Why, I was working over at the agency for a while, and while I was there when a man comes to lease a place they have a bondsman—two men to go on his bond. But in many cases—I don't know how it is, but the bondsman seems to get out of it when the fellow gets away from them.

Mr. SLOAN. Were any of those who signed the bond bankers in the towns around there, and the agent refused to enforce the collections against them?

Mr. PEOWA. I don't know.

Mr. SLOAN. There were a great many leases that were never paid at all?

Mr. PEOWA. Yes, sir.

Mr. SLOAN. Some running back four or five years?

Mr. PEOWA. Some running back four or five years.

Mr. WALDO. Some longer than that.

Mr. SLOAN. And that is one reason why the Kiowas and Comanches are hard up?

Mr. PEOWA. Yes, sir.

Mr. SLOAN. And another thing is that the farmers and agents are partial to certain stores. That is, on the orders they give out they send them out to the stores that charge double prices?

Mr. PEOWA. Yes, sir.

Mr. WALDO. Sure.

Mr. SLOAN. And the fault of that is with the agents and farmers who handle those orders?

Mr. PEOWA. Yes, sir.

Mr. SLOAN. Do any of you Indians know what your accounts are, either for annuities or rents or other moneys that the agent holds?

Mr. PEOWA. No, sir.

Mr. SLOAN. He refuses to tell you how much money you have got there?

Mr. PEOWA. Yes, sir.

Senator LANE. Is that right? Does he refuse to tell you how much money is coming to you?

Mr. PEOWA. Yes, sir.

Senator LANE. Ask the chief about that.

Chief ISHITI (through Interpreter Peowa). He never tells me.

Mr. SLOAN. If you go there and ask him how much money you have, he refuses to tell you this?

Chief ISHITI. Yes.

Mr. SLOAN. Would you like to have that remedied, so you would know what you have got and what belongs to you?

Chief ISHITI. Yes, sir. That is what we wanted.

Mr. SLOAN. Now, then, if you men were allowed to go out and pick out your own teams and make your own bargains for them, could you do better than the farmer does?

Mr. PEOWA. Yes, sir.

Mr. SLOAN. Put that question to the rest of them.

Mr. PEOWA. He says he thinks they could buy a team that suit them if they pick it out.

Mr. SLOAN. Does the farmer down there who looks after the buying of horses want you to buy from a certain man all the time—the same person?

Mr. PEOWA. Yes, sir.

Mr. SLOAN. Put that question to the rest of them.

(The question was interpreted to the other Indians.)

Mr. PEOWA. They all said yes.

Senator LANE. He just picks out the man for you to buy a team from?

Mr. PEOWA. Yes.

Mr. SLOAN. And is that same thing true as to the farming implements and other things?

Mr. FERGUSON. I don't think so, altogether. Of course, I am not in a position to say. I don't know.

Mr. SLOAN. Now, I heard it said that this money that was paid you down there by the commission was not satisfactorily paid. What was there in that that was not right to the Indian people?

Mr. PEOWA. I don't quite understand you.

Mr. SLOAN. Mr. Ferguson said that the money that was paid down there was not satisfactory. There was an appropriation made for some money to pay the Indians down there, because they had gotten behind and had not been getting their rents. What was there about that payment that was not right?

Mr. FERGUSON. It was being held up so long.

Chief ISHITI (through Interpreter Peowa). The only thing they don't like about it is that it has been delayed too long.

Mr. SLOAN. And who delayed it?

Chief ISHITI. They think it is the fault of the agent.

Mr. SLOAN. Now, whose fault is it that the rent moneys are not collected?

Chief ISHITI. The agent is supposed to collect the rent money, but it seems like he don't collect it.

Mr. SLOAN. I would like to say to the members of the commission this, that the Omaha Indians made the same complaint about their moneys held by the agent at our agency—that he refused to tell them how much was due them or give them any information regarding it at all, whether it was drawing interest, or otherwise. I took that up with the office and asked that each Indian be issued a statement or account, and they agreed to do that for the Omahas.

Senator LANE. How long ago was that?

Mr. SLOAN. That was yesterday.

Senator LANE. Well, they ought to do that. I do not know any reason why they should not.

Mr. FERGUSON. Your honor, when we was coming up, of course we had a long ride on the train, and we talked this matter over; and Chief Ishiti, through the interpreter there, told me that one great objection he had to the moneys being placed in the bank was that

none of the Indians ever knew how much money he had—could not tell whether he had any or whether he had \$100, nor what per cent it was drawing interest. He was absolutely void of any way of keeping any record of what he had. He did not know anything about it at all.

Representative STEPHENS. He knew no more about it than a 10-year-old child.

Mr. FERGUSON. They have another thing in regard to those deferred payments. I think we can enlighten this board on that question somewhat. You must remember that down there we have had five years of drought. The men that leased these lands from the Indians were men that were poor men, and had men of their same caliber on their bonds. The men on the leases did not raise anything, nor the bondsmen did not raise anything. The consequence was they had straw bonds. They were honest all right, and they would have gotten it had it been a crop year. In other words, the bondsmen were so crippled by the deferred crops that they were not able in some instances. I think you will find that that is perhaps the reason for the majority of these deferred payments. I am almost certain that is the reason.

Mr. SLOAN. Do you know of any instances in which bankers had signed bonds?

Mr. FERGUSON. No, sir; I do not. I don't think those bankers do that.

Senator LANE. Now, when it comes down to the last analysis, the Indian who owns the land suffers as well as the farmer that is on the land? He has to stand the brunt of it?

Mr. FERGUSON. Yes, sir; but understand, down there they don't rent those lands crop rent; it is money rent. We don't lease any Indian quarters down there for a grain rent at all.

Representative STEPHENS. Is it not a fact that they have had a series of droughts down there?

Mr. FERGUSON. They have not had a good crop there for five years. The white man has not made it. They are all in the hole. Ninety-nine per cent of the farmers down there are mortgaged for every dollar they are worth.

Senator LANE. How is it going to be this year?

Mr. FERGUSON. The prospects are brighter than I have seen it since 1906.

Senator LANE. What season do you have to have your rain to pull your crops through?

Mr. FERGUSON. In the wintertime and the spring. We had a 7-foot season this year. We thoroughly soaked down this year. If we can get the rainfall we had last summer we will have a bountiful crop. We did get a little rain last year, but there was no moisture in the ground, and it would dry from both ways. The consequence was they never raised anything last year only in the sandy countries. In the Washita country and the cattle country—that is, the sandy land above the rivers—they had a fine crop of corn and a fine crop of cotton. But out of the sandy land, in the black land where these gentlemen live, they don't have anything.

Senator LANE. I don't understand that.

Mr. FERGUSON. Well, sir, the sand there—last year it would just blow over.

Senator LANE. It was mulched with sand? Why can't they do that in their country?

Mr. FERGUSON. I don't think it would have done any good last year, because our white farmers tried it and didn't raise anything.

Senator LANE. The sand would hold the moisture?

Mr. FERGUSON. The sand is the only place they raised anything.

Senator LANE. How deep do you plow down there?

Mr. FERGUSON. Men differ. I plow about 10 inches. Some of those boys plows with a lister about 3 inches.

Representative STEPHENS. Who raises the best crop?

Mr. FERGUSON. I do always. Another thing—what I have tried to tell these boys when they farm. We plow about up to 11 o'clock. If we are listing we list to about 11 o'clock, then we stop and hitch to the harrow and drag that down till noon. In that way if we have got any moisture we hold it. But they have not been instructed to do anything like that.

I have seen boys out there in the spring of the year—we have lots of hail out there, and I have written lots of hail insurance out there, and when I would go out I would see these Indian boys; I would see the condition of their land, and I would give them a talk about it. They would be running the lister on the point. If they had had somebody to show them how to get it down level——

Senator LANE. What is a lister?

Mr. FERGUSON. That is what we call it in that country. It is a double plow, and it throws up a ridge on both side. We have to plant in a furrow down there, you know. Then, we used what we call a "snake" or a "go-devil" down there that goes in this furrow and covers it up.

Representative STEPHENS. Can you tell us what benefit the money is to the Indians that we are spending on these farmers or matrons, according to your understanding of the matter?

Mr. FERGUSON. Well, sir, so far as industrial farmer is concerned, and industrial matron, you are not getting anything.

Representative STEPHENS. The Indians would be just as well off without either?

Mr. FERGUSON. So far as industrial farmer and the industrial matron—to learn them anything—I think you would get along just as well without them.

Representative STEPHENS. Is it not a fact that there are white farmers pretty well mixed up with these Indians?

Mr. FERGUSON. Yes, sir

Representative STEPHENS. And is not that the best object lesson in the world, for the Indian to see what his white brother is doing?

Mr. FERGUSON. Yes, sir; I think so.

Mr. WALDO. But they have not anything to work with. They have no tools.

Mr. FERGUSON. He may have a plow, you know, and maybe two little ponies.

Representative STEPHENS. Have they harness?

Mr. FERGUSON. He generally has harness and a wagon all right, but in that country they need four good horses to farm with. They need four horses to pull one of those listers. If you don't plow deep you are just fooling your time away.

Now, I went down there—the first three years I was there if I had farmed the way I farmed in Illinois I would have starved to death. I never saw a lister until I went there. I believe in plowing deep, and mulching.

Now, these gentlemen own the cream of that country. They have the creek bottoms and the river bottoms—subirrigated lands, all of it. It is an alfalfa land. Now, if we had a farmer there, somebody that would show those boys how to put out an alfalfa crop, and let them raise stock, they will prosper on stock where they won't begin to prosper on this farming proposition. They want to raise forage, kafir corn, milo maize, and sorghum, and then in a year or two they will be able to build a big silo. If it rains on this alfalfa they can put it in the silo, and it is never damaged a cent. Those conditions can be brought about if they will put a man there that will show these men what to do.

Senator LANE. They were stockmen a long while before they were farmers?

Mr. FERGUSON. They are natural stockmen. If they go to raising corn and cotton they will starve to death.

Representative STEPHENS. Would it be practicable for each one of these tribes to select a business committee to look after their business in connection with the agent?

Mr. FERGUSON. They have that, sir.

Representative STEPHENS. Does the agent pay any attention to the business committee?

Mr. FERGUSON. Not very much.

Senator LANE. Ask them that. Have you a business committee there?

Mr. PEOWA. Yes, sir; I am a member.

Senator LANE. What does that amount to?

Mr. PEOWA. It don't amount to anything.

Senator LANE. Why?

Mr. PEOWA. Because he won't listen to us.

Representative STEPHENS. How often have you gone to him?

Mr. PEOWA. We are supposed to meet every quarter, but he seems to have put the meeting off, postponed it, and we have not had any meeting for nearly a year.

Representative STEPHENS. How many of you compose that committee?

Mr. PEOWA. Well, there is five Kiowas, two Apaches, and six Comanches.

Representative STEPHENS. How often do you meet?

Mr. PEOWA. Well, we don't meet ourselves, but we are supposed to meet at the agency—

Representative STEPHENS. Oh, I see. You consult with the agent with reference to what ought to be done with reference to each individual Indian?

Mr. PEOWA. We are supposed to do that, but whenever we have a meeting he will tell us just what is going to be done for us, and that is about all we do in the meetings.

Representative STEPHENS. He does not aid you or cooperate with you?

Mr. PEOWA. No, sir.

Representative STEPHENS. What reason does he give for that?

Mr. PEOWA. I don't know.

Representative STEPHENS. Does he ask you to look after the Indians for him in any way, or to advise with them?

Mr. PEOWA. No; he never said anything in that line. The only thing he does when we have a meeting is to just tell us what the rules are, made at the Indian office, and what is going to be done for us. That is about all I know since I was a member.

Representative STEPHENS. Does he consult with you in any way about what crops should be raised?

Mr. PEOWA. He never spoke about crops or anything in that line.

Representative STEPHENS. You say you have never seen him on the reservation looking after the Indians?

Mr. PEOWA. No, sir; I have not.

Representative STEPHENS. Where do the farmers live?

Mr. PEOWA. Well, they live in different parts of the reservation. There is one there at the agency.

Representative STEPHENS. Are any of these farmers raising stock or crops of their own?

Mr. PEOWA. No, sir.

Representative STEPHENS. What do they do? What do they live on?

Mr. PEOWA. They live for the money we pay them.

Representative STEPHENS. All this money comes out of your funds?

Mr. PEOWA. Yes, sir.

Representative STEPHENS. Then if your business committee had an opportunity, the first thing you would do would be to discharge the whole bunch?

Mr. PEOWA. Yes, sir.

Senator LANE. Would you fire them?

Mr. PEOWA. Yes, sir; fire them.

Mr. SLOAN. I would like to ask a couple of questions. How would the Indians prefer to make the leases for their lands; make them themselves, or let the agent go ahead and do it all for them?

Chief ISHITI (through Interpreter Peowa). I would prefer that the Indians lease it themselves.

Mr. SLOAN. Would they learn something about business and the ways of farming if they did that themselves?

Chief ISHITI. I think the Indians could learn more of business.

Mr. SLOAN. Would they be able to pick out good farmers?

Chief ISHITI. Yes, sir.

Mr. SLOAN. Do you think you could find men who would deal honestly with you?

Chief ISHITI. I think that if I know a man for a certain length of time, and I see that he has been doing all right, why that is the fellow that I think I would rent my place to.

Mr. SLOAN. If a man beats you once would you rent it to him again?

Chief ISHITI. No.

Mr. SLOAN. Do you think you could make any difference as between getting cash rent and crop rent? Have you men studied that so that you could know any difference in it?

Chief ISHITI. I think we could get more out of crop rents than the cash rent.

Mr. SLOAN. And do you have trouble going any great distance to the agency to make your lease and get your money, when you do get it, under the present system?

Chief ISHITI. Yes, sir.

Mr. SLOAN. Would your business committee, if that might come, be able to figure on prices and credits so that they could get their food and farming implements and seed at reasonable prices?

Chief ISHITI. That is what I want.

Mr. SLOAN. I would like to tell you gentlemen a little experience on our reservation just a few years ago. I think it is not only interesting, but entertaining. We had quite an old Indian, some 65 years of age. He sold 40 acres, and out of it got authority to buy a team. Then he wanted to rent his land to a certain farmer that he knew, but the agent refused, and leased it to a man who could not pay the rent. We had our rent payments there every Wednesday, so the Indian ran over every Wednesday to see about getting his rent. Once in a while he would go between times. Now, some 10 months afterwards he went and said to the agent, "I would like to have authority to buy another team." The agent said, "What did you do with that team you bought about a year ago?" He says, "That team I bought out of my land-sale money?" "Yes." "Oh," he says, "I killed them running here to get my rent, and I haven't got it yet." [Laughter.]

Mr. FERGUSON. In connection with what these gentlemen have told you, I will tell you what I believe would happen. There is so many of those men down there that are incompetent; they are not intelligent like these fellows. They will all tell you that. They are not as smart as these men are. There are some wild white men down there that take advantage of them and hand them an old revolver or an old buggy, or cow, or something, and get them to sign up a lease, and they would not get as much as if the agent handled it. Now, there is some of these men perfectly qualified to lease their lands, but I am speaking of the general run.

Representative STEPHENS. How would it be if there were a business committee among the Indians to approve all that?

Mr. FERGUSON. That would be all right.

Representative STEPHENS. To supervise all the other Indians, instead of having an agent.

Mr. SLOAN. Thirty years ago the Omahas and Winnebagos were as backward as these men. At that time the Omahas and the Winnebagos were permitted to make their own leases and collect their own rents. A hail storm came along that wiped out every bit of crops that there was, and the runners, some of them, went into the timber and chopped wood for the Omaha Indians to pay their rent. Others gave a cow. Others had credit at the store, and they gave provisions. The result was that the Indians and white people divided up their misfortunes, and I know the Indians and white men were brought closer together through the doing of that, and that experience in business and charity and good will did them more good than anything else that has occurred. And I believe that if the Indian is permitted to exercise the ability he has he will be better for it.

Mr. BENTLEY. If you will give the Indians the benefit of just a little further legislation along that line, permitting the Indian to lease his land for a period of one year, without any restriction from

year to year, providing by statute that the lease received by him shall be in keeping with the custom of the country, then if some man rents a quarter section of land of him for \$25, or for a horse and buggy, it becomes the duty of the United States attorney down there to see that he is properly paid. In the bill I have been advocating we provide that in all cases the result received by him must conform to the literal thing. I believe you can throw absolute protection around him in that regard.

Representative STEPHENS. That is the same bill I introduced last Congress.

Mr. BENTLEY. Yes, sir. I want to say this further: These men are my neighbors, in a way. They are as notoriously temperate as Indians are generally intemperate, and I believe, gentlemen, that they are as fine a group of native people as there is on this Continent. I know many of the young men among them, and I feel that their lack of progress is due to the Government and not to them. No kind of people could succeed under the kind of agent these men have. He may be honest; he may be all right, but God Almighty never intended him for an Indian agent. He is a man of military bearing. He is the last person in the world that should ever have charge of the Indians. Instead of going among them, and instead of his relations being cordial, he is distant; he has no sympathy for them. I don't think he has any use for them. He sits there in his military dignity, and the Indian can live or die.

If you will give these people their farms, if you will permit them to lease their land if they want to, they will accumulate stock, and a relationship will exist of this kind: If there is a failure and the crop is lost, the Indian and his tenant go down together. If it is a bountiful year the harvest is big, they enjoy the reward of the land together, and it makes a community of feeling that is good.

And it is in the interest of these Indians that you give them an agent who is in sympathy with them. Then give him some farmers to assist him, and give him the right kind of help, and these men will do something. Again, I want to call attention to this fact. They have more than \$4,000,000 here in the Treasury of the United States; yet if they want to buy anything they must pay two prices. I believe the first duty of the Government is to give them an agent that is qualified to handle them; then give them the use of their own money to equip themselves; let them go ahead, and they will take care of themselves.

Representative STEPHENS. You know the reason why the Indians should not be permitted to select the matrons and the farmers as well as a superintendent?

Mr. BENTLEY. None in the world. And if you will do it, I will guarantee to you that there won't be any matrons among them who will refuse to show a woman how to make a cake. There is many a farm woman in that country who would be delighted. She is interested in them, and they are interested in her. And the same thing is true of the farmers. If you will permit them to select their own farmers you will never see a bad one down there.

Representative STEPHENS. With reference to a business committee, why should they not, in addition to taking care of their own lands, etc., be permitted to take care of the land of the Indians whose restrictions have not been removed?

Mr. BENTLEY. There is no reason in the world, except this: The business committee as now permitted and recognized by the Indian Department, is the agent's committee, selected by him. You let the Indian tribe select their own committee out there, free from the domination of the agent, and then you make the leases subject always to the ratification of the business committee, and it is my opinion that you will find leasing conditions will improve. In other words, give the Indian that liberty of action and that inspiration that have led us to accomplish what we have, and he may do something. But, with his hands tied, forever dependent, he would be the most remarkable man on earth if he succeeded. He would be superior to any other known breed or kind of men if he succeeded under such conditions. I think he should be given all those things.

Mrs. KELLOGG. The idea that every one of these people is advocating is contained in that measure I am proposing. Give the Indians their money to do something with; let these men, through their business organizations, among themselves, learn how to handle those things, and, by actual doing learn what precautions to take in the future.

Representative STEPHENS. Your tribe desires that, as well as these Indians?

Mrs. KELLOGG. I have approached quite a number of tribes in the United States and put to them this idea: How would you like to be an organization by yourselves, and have a certain per cent of your money held out for you to use among yourselves, for you to make reports upon, for you to be instructed how to use every penny of this money and make reports to the Secretary of the Interior? And there is not one that does not jump at the idea.

Mr. FERGUSON. In regard to these appointments, you must understand that that is all under the civil service. That would have to be reorganized. There is the great secret about this civil-service proposition—getting what we call a real farmer, a practical farmer. He has got to be a schoolmaster and a college graduate almost to pass the civil-service examination, and if he is smart enough to do that he won't go out and farm.

Senator LANE. You came here with these Indians?

Mr. FERGUSON. Yes, sir.

Senator LANE. As a friend?

Mr. FERGUSON. Yes, sir.

Senator LANE. And you paid your own expenses?

Mr. FERGUSON. Yes, sir.

Senator LANE (to interpreters Peowa and Waldo). I want you to say to the chief and all these Indians that this commission has been investigating the conditions of the Indians all over the United States, and will continue to do so for quite a little while, and we find this same condition to exist among all of the Indians. The only Indians that we know of that are doing real well are the Navajos, out in the desert, on the plateau, running sheep with no white men over them much to bother them. And we are going to try to get this thing arranged so that the Indians can have a chance to use their own property for their benefit and have a voice in the way things are going to be done. And that is going to come.

(The foregoing statement was interpreted to the Indians by Interpreters Peowa and Waldo.)

Senator LANE. Tell the chief that 25 or 30 years ago this man here—Judge Stephens—who is a Member of Congress from Texas, used to be one of the Texas rangers, and he fought with the chief, and the first time he comes down on the reservation you ought to scalp him. [Laughter.]

Representative STEPHENS. I would like to ask Charley Buffalo, How long have you had trouble with your eyes? Ask him that question.

CHARLEY BUFFALO (through Interpreter Waldo). Seven years.

Representative STEPHENS. Can you see?

CHARLEY BUFFALO. Yes; I can see a little, but light hurts my eyes.

Representative STEPHENS. Has any physician ever attended to his eyes? Has he ever had any physician to look after it—the agency doctor or any other?

CHARLEY BUFFALO. There is one doctor out there who treated me.

Mr. FERGUSON. Was he employed by the Government?

CHARLEY BUFFALO. No.

Representative STEPHENS. Ask him if he has ever gone to the agency doctor and asked for medicine.

CHARLEY BUFFALO. Yes; I did come to him one time, but he gave me eyewater, and that is about all he did to me.

Representative STEPHENS. Ask him why he does not go back to him and have his eyes treated?

CHARLEY BUFFALO. I wanted to go, but did not have time.

Representative STEPHENS. Ask him how many Indians have sore eyes like he has.

CHARLEY BUFFALO. Not very many.

Representative STEPHENS. Ask him if he has been in Mr. Sells's office down there. Has he been among the physicians of the Commissioner's office in this city? Has anyone there asked him about his eyes?

CHARLEY BUFFALO. Yes.

Representative STEPHENS. Did they give any medicine or treat him in any way?

CHARLEY BUFFALO. No; they didn't give no medicine.

Senator LANE. There was a measure came up last year in which they wanted to sell every other allotment belonging to the Indians. Do you want that done? Ask the chief.

Chief ISHITI (through Interpreter Peowa). They want to keep all their land.

Senator LANE. Good. Tell him that is right.

Mr. BENTLEY. May I ask the chief one question? I want to ask him if he knows that the man whom he fought with in Texas, who has been asking the questions, is the man who made the great sum of money for him that is in the Treasury now.

Chief ISHITI (through Interpreter Peowa). I am glad that he done that for me.

Mr. BENTLEY. Where you would have got less than a million dollars, by the fight he made for you you got about \$6,000,000. The proposition was that the lands were to be sold at an arbitrary price. Judge Stephens got the law changed so it would be sold to the highest and best bidders.

Senator LANE. He deserves their gratitude. Tell him he need not scalp him when he goes back. [Laughter.]

Mr. BENTLEY. I want him to know that he has fallen among friends here.

(The foregoing statements were interpreted to the Indians by Interpreters Peowa and Waldo.)

Mr. SLOAN. Charley Buffalo, how often have you been over to the Indian Office where the Commissioner of Indian Affairs and the assistants are?

CHARLEY BUFFALO (through Interpreter Waldo). Not very often.

Mr. SLOAN. More than once?

CHARLEY BUFFALO. Second time.

Mr. SLOAN. Did you stay there two or three hours one of the times you were over there?

CHARLEY BUFFALO. Not that long.

Mr. SLOAN. An hour, was it?

CHARLEY BUFFALO. An hour—something like that.

Mr. SLOAN. Who was it spoke to you, if anybody, about your eyes?

CHARLEY BUFFALO. The commissioner asked me about it.

Mr. SLOAN. Commissioner Sells?

CHARLEY BUFFALO. Commissioner Sells.

Mr. SLOAN. What did he say to you?

CHARLEY BUFFALO. He didn't say much to me. He only asked me what the trouble was.

Mr. SLOAN. Did he call in any of the doctors of the Indian Office to look at your eyes?

CHARLEY BUFFALO. No.

Mr. SLOAN. Did any one of the Indian Office doctors come around and see you about your eyes?

CHARLEY BUFFALO. No.

Mr. SLOAN. How long have you been in the city?

CHARLEY BUFFALO. A week and a half.

Mr. SLOAN. And you are of the delegates from your tribe?

CHARLEY BUFFALO. Yes.

Mr. SLOAN. Have you authority from the Commissioner of Indian Affairs to come here for tribal business?

CHARLEY BUFFALO. No.

Mr. SLOAN. The commissioner sent you permission to come here?

Mr. WALDO. He didn't send for us to come up.

Mr. SLOAN. He was willing that you should come?

Mr. WALDO. He was willing; yes.

Mr. SLOAN. That means authority?

Mr. WALDO. Yes.

Mr. SLOAN. Has anybody done anything for your eyes since you have been in the city here?

CHARLEY BUFFALO. No.

Mr. SLOAN. Have you seen some of the Indian Office officials every day since you have been here?

CHARLEY BUFFALO. No.

Mr. SLOAN. Does he understand my question? Did he see some of the Indian Office people every day?

Mr. WALDO. No; not every day.

Mr. SLOAN. Every other day?

Mr. WALDO. Every other day—about every two days.

(Thereupon, at 9.35 o'clock p. m., the joint commission adjourned to meet at the call of the chairman.)

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Washington, March 20, 1914.

Hon. J. T. ROBINSON,
Chairman Joint Investigating Commission.

DEAR SIR: This will introduce you to Mr. Ferguson, of Oklahoma, also Ishiti, chief of the Comanche Indians in Oklahoma, and other Indians, one a graduate of the Carlisle School, who have called upon me, and from what they say, I think they should be heard by our commission and their evidence or statements taken down, as it will be beneficial to us in going over matters pertaining to their tribes in Oklahoma.

Very truly, yours,

JNO. H. STEPHENS.

WASHINGTON, D. C., March 21, 1914.

Hon. JOHN H. STEPHENS,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am inclosing you a copy of petition of the Kiowa and Comanche Indians, also affidavits of charges preferred against their agent. The originals are filed with Cato Sells, Commissioner of Indian Affairs.

As we will not be able to meet with the Joint Committee of Indian Affairs, we are leaving to-night for home.

Any further information you may desire on this subject, please write me at my address.

Respectfully, yours,

W. S. FERGUSON,
Mountain View, Okla.

Hon. CATO SELLS,
Commissioner of Indian Affairs, Washington, D. C.

OUR DEAR FRIEND: We, the undersigned members of the Kiowa, Comanche, and Apache Tribes, in Oklahoma, hereby submit to you our petition in regard to some of the affairs of our tribes, which represents the opinion of the majority of our members, and respectfully ask your help and assistance, so that those things which we believe are for our best interests may become effective.

First. In regard to our tribal and rental moneys, will say that in the past four years payments have been made at very irregular periods. When a payment is made we try as well as we are able to pay our debts and make the balance of our money go as far as we can; but when payments are seven, or even eight, months apart it is impossible for us to live, pay our debts, and get along. We have learned with a good deal of interest of the system used at the Osage Agency with the Osage Indians. We understand that the Osages receive their money quarterly, and are paid promptly. If this is done at the Osage Agency, we ask that the same system may be put into effect at the Kiowa Agency. We believe, if our payments could be thus arranged and made promptly on stated dates, that it will be for our best interests.

Second. In the past it has been the practice to withhold from the rental moneys the payments to minor children. This is not just to us, for many of the minor children have families of their own, and it costs as much to support the minor children as it does the adults; so, if the minor's money is not paid to them or their parents, the minors must of necessity live off of their more fortunate friends or relatives. We therefore request that all moneys, both annuity and lease, be paid direct to the parents, or to the minors, if married.

Third. We ask that the payments be made at the pay stations, as was done from the time we came under our first agent until about three years ago. We lose no more time from home under the old system than under the new one of delivering the checks at each person's home. By the old system we can find why certain moneys are not paid, while under the present system, if we believe any mistake has been made or we fail to understand something about the payment, we have to make the trip to the agency to find out about the matter, at additional cost and expense.

Fourth. *Resolved*, That we are not in favor of raising restrictions on our land until the 25 years have elapsed, as per agreement in Article V of Jerome treaty.

Fifth. We ask that where Government positions on our reservations are filled by Indians, that they be filled by members of our tribes.

Sixth. We regret, that our present agent, Ernest Stecker, who has been at the head of our agency for about six years, has failed in nearly every way to show the interest in our welfare which his position demands. Favoritism to a few Indians at the expense of a majority, intimidation when our ideas fail to suit him, failure to protect the rights of the Indians in leasing their lands, his military bearing toward us makes us at all times afraid to approach him on affairs material to us, his many unfulfilled promises cause us to distrust him. We believe if an agent could be sent us whom we could trust and respect, that many of our complaints would cease to exist.

Seventh. We believe if a thorough and impartial investigation of existing affairs was made, and proper action taken thereon, the result would be beneficial to the Indians and the whole service.

Eighth. Payments on the sale of lands in the big pasture have been extended from time to time. We ask that these deferred payments be collected as soon as possible.

LAWTON, OKLA., March 14, 1914.

STATE OF OKLAHOMA,
Comanche County, ss:

William Fulbright, first being duly sworn, deposes and says that he is a resident and taxpayer of the city of Lawton, Okla.

That he knows Ernest Stecker, who is superintendent of the Kiowa Agency in Oklahoma.

Further deposing, the affiant avers that on or about the 26th day of January, 1912, I was at the chamber of commerce rooms in the city of Lawton, Okla., when Ernest Stecker was present and made certain statements about the adjustment of Indian indebtedness. At this same time and place the said Ernest Stecker was intoxicated and much under the influence of liquor. My reasons for so stating are that he could not stand erect while talking, but needed continually to support himself on a table while addressing the audience, and his voice was stuffed and it was difficult for his hearers to hear him. However by repeated questioning he finally made himself clear. The affiant remarked to others who were near that Stecker was "pretty badly shot," to which they readily assented.

Further deposing, the affiant states that the said Stecker is generally reputed in this locality to be given to the excessive use of alcoholic liquors.

(Signed) WM. FULBRIGHT.

Subscribed and sworn to before me, a notary public in and for Comanche County, Okla., this 14th day of March, 1914.

(Signed) R. B. MORFORD, Notary Public.

(My commission expires August 23, 1915.)

Copy original filed with Commissioner of Indian Affairs.

STATE OF OKLAHOMA,
County of Caddo, ss:

O. M. Topley, being first duly sworn upon his oath, says he is 47 years of age and a resident of Anadarko, Okla.; that he is well acquainted with Ernest Stecker, superintendent of the Kiowa Indian Agency, at Anadarko, Okla.; that during a session of the Federal court at Lawton, Okla., in October, 1913, the said Stecker was, to the personal knowledge of affiant, a frequent visitor to a dive in the basement of the Midland Hotel at Lawton, Okla., and there frequently purchased and drank intoxicating liquors in company with others, one of whom was M. Bristow, of Anadarko, Okla., an attorney at law.

Further affiant saith not.

(Signed) O. M. TOPLEY.

Subscribed and sworn to before me this 14th day of March, 1914.

(Signed) L. M. GILBERT, Notary Public.

(My commission expires Nov. 5, 1914.)

Copy original filed with Commissioner of Indian Affairs.

LAWTON, OKLA., March 14, 1914.

STATE OF OKLAHOMA, *Comanche County*, ss:

W. H. Dry Bread, first being duly sworn, deposes and says that he is a resident and taxpayer of Lawton, Okla.

That he knows Ernest Stecker, who is superintendent of Kiowa Agency, Okla.

Further deposing the affiant avers that on or about the 26th day of January, 1912, the said Stecker was in the chamber of commerce rooms in the city of Lawton, Okla., when the said Stecker proposed to the business men of this locality that if they would not press their obligations against the Indians under his supervision that he had funds enough and authority enough to pay all the legitimate debts of the Indians by July, 1912, and in any case not later than the end of the year 1912. The business men accepted his proposition at this meeting and organized the Indian Creditor's Association at that time and place and did their part to cooperate with the said Stecker.

Further deposing, the affiant says that at the time and place when the said Stecker made this promise to the creditors of the Indians he was in a drunken condition, as was shown by his staggering and unsteady condition; his manner of speech and continual hawking and spitting is further evidence to me that he was intoxicated and he showed other signs of drunkenness, which I, myself, have been subject to in the past when I used intoxicating liquors to excess.

Further deposing, the affiant says that the said Stecker is generally reputed, in this locality, to be given to the excessive use of alcoholic liquors, and an investigation along these lines I believe will show that many people of this community will testify to the fact that the said Stecker is often in a drunken and unfit condition while attempting to perform his duties.

(Signed) W. H. DRY BREAD.

Subscribed and sworn to before me, a notary public in and for Comanche County, Okla., this 14th day of March, 1914.

WM. FULLBRIGHT, *Notary Public*.

(My commission expires January 22, 1917.)

Copy. Original filed with Commissioner of Indian Affairs.

LAWTON, OKLA., March 14, 1914.

STATE OF OKLAHOMA, *County of Comanche*, ss:

A. D. Lawrence, first being duly sworn, deposes and says, that he is a resident and taxpayer of Lawton, Okla.; that he knows Ernest Stecker, who was superintendent of the Kiowa Agency in Oklahoma.

Further deposing, the affiant avers that on or about the 26th day of January, 1912, the said Ernest Stecker at his own request caused a meeting to be called of the business men of this country in the Chamber of Commerce rooms in the city of Lawton, Okla., for the purpose of securing the consent of the various creditors of the Indians under his charge, to an extension of their debts with the said Indians, and at that time and place he did voluntarily offer and promise the business men of this country, that if they would not press the Indians for their obligations that he (Stecker) had funds enough, and authority enough to pay all legitimate debts of said Indians by the 1st of the following July, but in no event would the settlement of said debts be deferred longer than to the end of the year 1912. Under this agreement and promise the creditors formed what was known as the Indian Creditor's Association and attempted to cooperate with the said Stecker in all things which he had promised.

Further deposing, the affiant says that at the time and place when the said Ernest Stecker made said promises he was in a drunken condition as was evidenced by his staggering and unsteady condition; his manner of speech and continual hawking and spitting were further evidenced to the affiant that he was intoxicated.

Further deposing, the affiant says, that from his acquaintance with, knowledge, and observation of said Stecker, covering a period of some six years, he believes is informed, and therefore avers that said Stecker is not a fit or proper person to be superintendent of said Kiowa Agency; that his habits, temper, temperament, and character are such as to especially disqualify him

for the Indian Service, and are of evil example to the members of the Indian tribes under his supervision, and such is the general opinion of the people at large in this vicinity; that the said Stecker is generally reputed to be given to the excessive use of alcoholic liquors, and that divers complaints and charges, covering his unfitness as such superintendent, have been heretofore filed with the Commissioner of Indian Affairs, and that Special Indian Agent P. N. Wadsworth, deputed to investigate said charges in the spring of 1910, reported to the affiant that said Stecker was not a fit person to hold the office of said superintendency and the deponent is informed and believes, and therefore avers, that said Wadsworth so reported to the Commissioner of Indian Affairs, as will undoubtedly appear from the files and records of the Indian Office.

(Signed) A. D. LAWRENCE.

Subscribed and sworn to before me a notary public in and for Comanche County, Oklahoma, this 14th day of March, 1914.

(Signed) WM. FULLBRIGHT, *Notary Public*.

(My commission expires Jan. 22, 1917.)

Copy. Original filed with Commissioner of Indian Affairs.

LAWTON, OKLA., March 14, 1914.

STATE OF OKLAHOMA,
Comanche County, ss:

Wayne White Wolf (Cho sic wa), Comanche No. 156, first being duly sworn, deposes and says that he is a Comanche Indian under the supervision of Ernest Stecker, superintendent of Kiowa Agency in Oklahoma. Further deposing, he states that when Walter Silcott was subagent at Fort Sill subagency that he was one of the police under Silcott. On one of the visits of said Stecker to this subagency the affiant took the said Stecker from the subagency to the railroad station, and at this time the said Stecker was under the influence of liquor and took from his pocket a quart bottle of whisky and offered the affiant a drink.

The affiant then told the said Stecker that he did not drink whisky.

Further deposing, the affiant says that about six months after the above occurrence he again took the said Stecker from the subagency to the railroad station, and on this occasion also the said Stecker was in a drunken and intoxicated condition, his breath smelling of liquor, his eyes were red, and his other actions caused me to know that he was drunk. On this occasion also he offered me a drink of whisky from a quart bottle which he drew from his pocket.

(Signed) WAYNE WHITE WOLF (CHO SIC WA). (Comanche No. 156.)

Subscribed and sworn to before me, a notary public in and for Comanche County, Okla., this 14th day of March, 1914.

(Signed) WM. FULLBRIGHT,
Notary Public.

(My commission expires 22d of January, 1917.)

Copy of original filed with Commissioner of Indian Affairs.

STATE OF OKLAHOMA,
County of Caddo, ss:

O. M. Topley, being first duly sworn, upon his oath says that he is 47 years of age, and a resident of Anadarko, Okla.; that he is personally acquainted with Ernest Stecker, superintendent of the Kiowa Indian Agency, at Anadarko, Okla., and has known the said Ernest Stecker since January, 1908.

Affiant further states that on the — day of —, 1913, affiant was engaged in litigation in the county court of Caddo County, Okla., in a certain case wherein J. W. Johnson was plaintiff, and affiant was the defendant, and various Indians were garnishees, and the Anadarko State Bank was interpleader; that at the conclusion of said trial, while a large number of persons were still present in the court room and offices adjacent, the said Ernest Stecker became abusive and vile in his language, finally calling affiant a "liar"; that the said Ernest Stecker used oaths, and was loud and boisterous in his conduct; that the language and manner of the said Ernest Stecker was heard and observed by

various persons, among them being Hon. C. Ross Humbe, county judge; Hon. Guy R. Gillett, clerk of the county court; Miss Linnie E. Biles, stenographer to the court; Hon. L. E. McKnight; Elmer E. Gish; and Hon. Spencer Hilton, clerk at the said Kiowa Agency; and also numerous Indians, wards of the Government; that at that time the said Ernest Stecker was intoxicated and unfit to appear in a court of justice; that his conduct was unwarranted and inexcusable, and was without provocation.

Affiant further states that he knows of his own knowledge that the said Ernest Stecker is a habitual user of intoxicants.

Further affiant saith not.

(Signed) O. M. TOPLEY.

Subscribed and sworn to before me this the 14th day of March, 1914.

(Signed) L. M. GILBERT, *Notary Public*.

(My commission expires November 5, 1914.)

Copy of original filed with Commissioner of Indian Affairs.

OMAHA INDIAN RESERVATION
SERIAL ONE

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE
CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
SECOND SESSION

TO

INVESTIGATE INDIAN AFFAIRS

MARCH 18, 1914

PART 10

Printed for the use of the Joint Commission



CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.

HARRY LANE, Oregon.

CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEPHENS, Texas.

CHARLES D. CARTER, Oklahoma.

CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.

ROSS WILLIAMS, Arkansas, *Clerk*.

OMAHA INDIAN RESERVATION.

WEDNESDAY, MARCH 18, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

Washington, D. C.

The commission met at 8 o'clock p. m., with Senator Lane (presiding) and Representative Stephens present.

TESTIMONY OF HIRAM CHASE.

HIRAM CHASE, being duly sworn by the acting chairman, was examined and testified as follows:

Senator LANE (presiding). You said in the committee room that you had something that you wanted to present to this commission. I do not know what it was. I told you to come over and let us hear it.

Mr. CHASE. We have grievances. We get no satisfaction before the Interior Department.

Senator LANE. Where is the agency?

Mr. CHASE. The country where we live is in Thurston County, on the west banks of the Missouri River, about 87 miles north of Omaha, and about 35 miles south of Sioux City.

Senator LANE. In Nebraska?

Mr. CHASE. In Nebraska.

Representative STEPHENS. What tribe do you belong to?

Mr. CHASE. The Omahas.

Representative STEPHENS. How many of those Indians are there?

Mr. CHASE. About 1,250.

Representative STEPHENS. What is the size of the reservation?

Mr. CHASE. The reservation has been reduced in area to about 24 by 18 miles.

Representative STEPHENS. What is your agency, at what place?

Mr. CHASE. They call it a "mission." The original proper name is "Omaha Agency."

Representative STEPHENS. What is the superintendent's name?

Mr. CHASE. The superintendent's name is John Spear.

Representative STEPHENS. Is he also the agent?

Mr. CHASE. He is acting in the capacity of an Indian agent. We call him the "superintendent."

Representative STEPHENS. Have you a school there?

Mr. CHASE. No school—no tribal school, as we used to have. That has been done away with.

Representative STEPHENS. How many farmers have you there—paid farmers by the Government?

Mr. CHASE. We have two, I think.

Representative STEPHENS. How many farms have you on the reservation—Government farms and experimental farms?

Mr. CHASE. Just one.

Representative STEPHENS. It takes two superintendents for one farm?

Mr. CHASE. They have work in different parts of the reservation, as I understand it.

Representative STEPHENS. They look after the Indian's farms, then?

Mr. CHASE. They are supposed to.

Representative STEPHENS. Why do you say "supposed"? Do they work at the job very much?

Mr. CHASE. I do not see them around teaching the Indians, which is the purpose for which they were appointed.

Senator LANE. How are the Indians, pretty good farmers?

Mr. CHASE. Yes, sir; they are good farmers.

Senator LANE. And make a success of it?

Mr. CHASE. Many of them do.

Senator LANE. How many school children are there, and do they go to public schools?

Mr. CHASE. They go to public schools, and many of the children are sent away to school at Carlisle and to Haskell and the other Government institutions. The youngest ones remain at home and attend the district schools.

Senator LANE. Are the Indians increasing in population?

Mr. CHASE. The Omahas are, I believe, on the increase. The census has been stationary for the last 25 years, anyway.

Senator LANE. Have you much tuberculosis?

Mr. CHASE. We have some.

Senator LANE. More than the white people do?

Mr. CHASE. I could not say.

Senator LANE. Have you much trachoma—sore eyes?

Mr. CHASE. Some of them are affected; the older ones.

Senator LANE. Go ahead.

Mr. CHASE. Senators, the original reservation contained about 300,000 acres and was established for the tribe under a treaty of 1854. It is an agricultural country. We raise all kinds of grain; good stock country; well watered and plenty of timber along the streams and over next to the river. The rougher part of our land is lying in a strip, say, about $2\frac{1}{2}$ or 3 miles west from the west banks of the river. The agency is situated 3 miles from the river. This reservation was occupied—in 1865 a treaty was made with the Government and on behalf of the Winnebago Tribe of Indians of Wisconsin, who were moved there, and under that treaty the Winnebagos were given the northern portion, a strip on the northern portion of the reservation, something like 125,000 or it might be 100,000 acres that was given to the Winnebagos. Up till 1880 or 1881 or 1882 the Omahas were progressive in the way of agriculture and self-supporting, and, strange to say, when the annuity moneys due them under the treaty were reduced to a per capita of about \$3 per head annually each of the prominent farmers had horses and some of them had stock, cattle, and hogs; and they were living and supporting them by their own exertions. An agitation followed, and the Poncas were practically

driven from their northern homes in the northern part of Nebraska and inveigled into some arrangement with the Government by which they were transferred to the Indian Territory, and some of them, after many of them were reduced through sickness, returned back to their old homes in Nebraska, and on their way they visited the Omahas. I am telling this to show this commission why it was that this agitation came about. The Poncas were arrested under an order of the Secretary of the Interior, supported by the military, and the chiefs were arrested and held as prisoners by the military at the city of Omaha.

Mr. SLOAN. Old Fort Omaha?

Mr. CHASE. Old Fort Omaha, and it seemed that friends were active on their behalf, and they employed Benton & Webster, the ablest attorneys living then in Omaha, and under writ of habeas corpus they applied to Judge Dundy, and Judge Dundy declared that the Indian was a person under the Constitution, and the military and the Secretary did not have any authority by their own orders to arrest Indians, and he released them. Great interest was manifested in this case by eastern people, and Mr. Standing Bear and his crowd were paraded through the public in the East, and got up a sentiment, and the sentiment was that the Indians should be given the rights the same as any American citizen, and that they should not be molested in their person or property or anything else; that they should stand before the law the same as any white men.

Under that agitation Senator Dawes, of Massachusetts, was enlisted in sympathy with the measure of making the Indians citizens and giving them allotments as a solution of the Indian problem, and the Omahas were placed in the vanguard, as it were, in reference to this new system, and a bill was passed in 1882. After certain people had been among our people agitating the matter and before our people, and our bill of August 7, 1882, was passed, up to this period, Mr. Senators, I want it distinctly understood that lawyers of note in the State of Nebraska, having examined this treaty of 1854, say that the Government has no title or interest whatever in our reservation; that the treaty of 1854 confirmed unto the Omaha the title to these lands and they were the permanent owners of these lands. This act of 1882 was an agreement between the United States Government and our tribe, as a political body, to allot these lands in this way—160 acres to each head of the families, 80 acres to a single person, 80 acres to orphan children, and 40 acres to minors. In this bill it was also provided to sell the western portion of the reservation, lying west of what is now the Chicago, St. Paul, Minneapolis & Omaha Railroad, and that land was sold at the highest appraised value, which was about \$13 an acre, and netted the Omahas something like \$500,000. That land was sold, and in the provisions of this act of 1882 there was a provision there that this money should be held in trust and in the Treasury of the United States, and 5 per cent per annum was to be paid under the direction of the Secretary of Interior for the benefit of these Indians. This act has a limitation affixed to it that these lands allotted to those Indians would be held in trust for the period of 25 years and no more. This act of 1882, if the Senators will examine it, is nothing more than a solemn agreement on the part of the Government of the United States to carry out its provisions.

Representative STEPHENS. That treaty expired in 1907—25 years after 1882?

Mr. CHASE. The allotment was completed in 1884.

Representative STEPHENS. In 1909—it was after the allotment, then, and not after the passage of the act that the 25 years begun?

Mr. SLOAN. The period runs from the date of the patent.

Mr. CHASE. From the date of the patents; yes. The Senators will understand that there is no provision in this act for any modification, any power vested in the Government of the United States to extend this trust. It was a scheme for the winding up of the Omaha Indian affairs, breaking up and destroying their tribal government, meting to each individual his home, with the right of self-government, with the right of maintaining himself, with the right the same as any other citizens, I should say, cutting away from his old tribal government, with the idea—and Senators will also understand that that act of 1882, the question as to whether the Indians would ever become competent to handle their own affairs and shift for themselves, was fixed at the limit of 25 years, with no power of revocation.

Representative STEPHENS. Has there been any change in that in any way?

Mr. CHASE. I am coming to that, Senator. In 1909 our people, as a body, desired an extension of that 25 years, and what did Congress do? They passed a law by which they gave the President of the United States discretionary power in the matter, and under that extension of 10 years, giving the President authority to extend the trust 20 years longer. The authorities here, at the Secretary's Office, and the Indian Office, made up a scheme whereby our people were dealt with unfairly. They were segregated into three classes. One class was denominated as competent, another as a second class, another as a third class. Those that were declared competent in the first class were given their patents, and under the provisions of the act of 1882 were not given the privilege of extension. As it were, the extension was granted to the second and third classes. There is a discrimination there, Mr. Senators, and I understand that class legislation of any description, even by the Congress itself, is unconstitutional, and why should an executive officer classify our people in the three classes and not treat us alike?

Representative STEPHENS. Did they do that by virtue of the act of 1909?

Mr. CHASE. 1909 or 1910; I do not know which.

Mr. SLOAN. By rules and regulations of the Interior Department?

Mr. CHASE. Rules and regulations of the Interior Department.

Representative STEPHENS. The act permitted rules and regulations to be made?

Mr. CHASE. No.

Representative STEPHENS. That would be an act of legislation by an executive of the Government?

Mr. CHASE. It looks like it very much.

Representative STEPHENS. Under the Constitution it would not be permissible.

Mr. CHASE. Now, Mr. Senators, it happens thus: The second and third classes are people that are being held up by the department in violation of the original act of 1882. I do not care if Congress did

extend the time, there was no power of revocation, no power of extending the trust. The limitation was fixed, and if Congress can give the President the authority to extend the trust one hour, it can extend it for a thousand years.

Representative STEPHENS. Have you ever brought the matter before the courts? Have you ever brought a suit?

Mr. CHASE. Not yet; we want relief from the law-making power.

Representative STEPHENS. Let me suggest that you could do this very legitimately. The department buys the land and takes possession of it, and then let the Government bring a suit to dispossess, and you could very quickly bring the matter before the courts. It seems to me that is your remedy—before the courts and not Congress. Of course, the act that you complain of could be set aside. Whether you want to do that, is the question. You can repeal the act that you speak of—1909—and that would restore the patents, but do you want to do that?

Mr. CHASE. Restore the patents?

Representative STEPHENS. Restore the 25 years and would set aside the Executive order that you complain of or rules and regulations that you complain of.

Mr. CHASE. That is what I am contending. That is the condition as it is now that this act extending the time is unconstitutional, and the Secretary assumed to himself the power to declare me competent and the power to declare my brother, Omaha, an incompetent is going into the powers of a judicial character. We were to be given the rights of citizenship; were to be given this allotment; and no power of government, so far as our rights were concerned, was to be administered except by the local authorities.

Representative STEPHENS. I agree with your contention along that line. I believe you are a lawyer, are you not?

Mr. CHASE. I think this. I think a good deal of our fault, Mr. Senator, is through legislation that has been thrust upon our people without or consent and without due consideration even on the part of Congress itself.

Representative STEPHENS. I understood you to say a while ago that the Omahas themselves asked that this law be passed in 1909?

Mr. CHASE. It was done through a petition. The Indians, instead of being gathered together in council and applying for this, and asking for a modification under the character of a tribe, some people that were interesting in extending this time went from house to house and got a petition, and that is not the way to deal with this matter. The way to deal with this matter of modification or extension of trust should have been with the Indians in council.

Representative STEPHENS. Is there some old law, some act of Congress or regulation by the department, which requires it to be done in that way by the council?

Mr. CHASE. No; but so far as our internal affairs are concerned and our matters are concerned, when we come to deal with the Government upon any arrangement we want them to carry out, we must be represented in council, we must on one side agree to it and the Government on the other.

Representative STEPHENS. Then, there was no agreement of that kind?

Mr. CHASE. There was no agreement of that kind when this extension was made. So the extension was made, Senators, and I contend that if they were to extend the trust at all they should have treated each one of us equally, and instead of giving the Secretary of the Interior power to do as he pleased with our people in segregating them, the extension should have been made with the proviso that any Indian who called for his patent could have it. That is what ought to have been done, and that is the situation as it is now. This act of 1882 is being violated right now by the Interior Department holding up our people into these three classes. Their moneys are held up. The men the Government, impliedly at least, agreed should be free should be free from control of the department. Their property is being held up. They can not use it; they can only get \$10 a month out of this fund, and our people, Mr. Senators, say that the evils that are befalling them as they now are can not be any worse; that the patents and individual moneys tied up in the banks be given to them and they make out their own destinies.

Representative STEPHENS. Do you think if the patents were given to them and they were permitted to sell the lands that they would soon dispose of them and dispose of the proceeds?

Mr. CHASE. There will be many of them, Senators, no matter how you fix it.

Representative STEPHENS. And they would go back on the Government?

Mr. CHASE. The Government, so far as we are concerned, never has lost a cent. Every cent that we own to-day is money that our ancestors secured for us by our properties. What the Government should have done—they have made a mistake in thrusting upon our people this idea of citizenship when they were not ready for it.

Representative STEPHENS. That act of 1882, then, was a mistake?

Mr. CHASE. It was a big mistake, and if I knew then what I know now I would have been one of them that would have been fighting against it.

Representative STEPHENS. Then you are in favor of the repeal of the act of 1890 or 1909? Did you sign that petition?

Mr. CHASE. I do not know whether I did or not, and it makes no difference.

Representative STEPHENS. You said you made a mistake then, didn't you?

Mr. CHASE. I did; but if my own people were to get an extension of that trust, I claim that we ought to have the extension as a people, not giving the Secretary of the Interior power to segregate our people into three parts. That is my contention. And my idea, Senator, is this, that the big mistake of the Government—it is no use to dwell upon it. They should have been kept on the reservation, on a territory of their own, to work out their own existence. And this thing of holding them up on land such as we have—you give them a tract that is inalienable to any outsiders, a community of their own, and they would have marched with the progress of the days, perhaps better than they are now.

Representative STEPHENS. But you must remember that the damage is already done.

Mr. CHASE. The damage is already done, and we are ready to face it. We contend for our brothers of the second and third class that

they should be given their lands and their moneys, and they can never be any worse off than they are now.

Representative STEPHENS. Is it not a fact that if you find anyone that is not permitted to sell his land and wants to sell it and is competent, you can make proof of that and come to the department here and get his restrictions removed?

Mr. CHASE. Yes; but that all rests with the clerks down there, and the whole power is virtually taken away from those to whom they have given power.

Representative STEPHENS. I agree with you on that, and I would be in favor of having the Indians themselves to designate a committee of three to act in connection with the department here, and let the Indians first segregate those who are competent from those who are not. You know better who are competent.

Mr. CHASE. Surely; that is the very thing that Mr. Webster spoke about to the Indian Office, that discreet men of our tribe should be appointed to sit upon—if this system is to be carried on—to sit in judgment upon what this Indian should have of his money that is being tied up.

Representative STEPHENS. I have introduced a bill along that line.

Mr. CHASE. Another thing. Senators, one of the greatest evils is that Congress passed a law giving the Secretary of the Interior judicial power to sit upon and judge heirship estates.

Representative STEPHENS. You prefer going to the local courts, then?

Mr. CHASE. I prefer giving only just such powers as he always had of issuing the patents to the rightful owners; but when he goes beyond that, the act provides—

Representative STEPHENS. Suppose, for instance, a man was a settler and entitled to the land, but he should die and leave two sets of heirs. He might have been married twice, and one of the marriages possibly was not legal. You get a complication there that would require some person with judicial discretion to determine to whom the land should descend.

Mr. CHASE. Surely. Now, the authority given by the act is confined to the finding of heirs. He is given no discretion in the matter, any further than to find, as a matter of fact, not as a matter of law, who the heirs are.

Representative STEPHENS. There is no appeal from his decision?

Mr. CHASE. There is no appeal from his decision. Now, they tell me over there that I can be heir to a piece of land with another, and I can go before the Secretary of the Interior and he can make a finding that I am not heir when in law I am, and say that the other fellow is heir. And they say I have no remedy.

The Secretary of the Interior, as I understand it, is only a branch of the executive department, and this authority that assumes to give him the right to sit upon the question of heirship of the Indians is no more than what he had before, and therefore it is merely declaratory of what he had before. Now, why is it that his authority should be conclusive upon the Indians?

Representative STEPHENS. Now, as a lawyer, would it not be well to frame up a case and go to the Supreme Court with it?

Mr. CHASE. What is the use of putting the Indians to all that trouble? Isn't the Secretary of the Interior, upon the matter of

law—what is the Attorney General's office for in this country if he is not to advise the heads of departments as to what the law is instead of forcing the Indians to litigate these questions that have been piled upon them, not by themselves but by an Interior Department officer? There is where the wrong is. The Indian should not be put to the trouble of hiring lawyers to test these questions. The Government here has promised, the Senate has promised, every branch of the Government has promised that these Indians at the expiration of 25 years should have their fee simple patents, or, if the Indian was dead, his next nearest blood relative.

Representative STEPHENS. You must remember that the Indians themselves asked for that to be revoked; and Congress, agreeable to the request of the Indians themselves, did revoke the old law and made the new law, and you are complaining now of the new law.

Mr. CHASE. We have that situation anyhow, Senator, and it is working bad, and our people say that rather than live under existing circumstances they are willing to meet their fate by taking their fee simple patents and having their moneys paid to them and living as any other people should.

Representative STEPHENS. I agree with you along that line. I think they are supervised entirely too much.

Mr. CHASE. Now, what did Congress do after the passage of this extension? Without the consent of the Indians, they fixed up a bill here to tax these trust lands.

Representative STEPHENS. Not until after the 25 years expired.

Mr. CHASE. Before the 10 years extension expires. There is a bill in existence.

Representative STEPHENS. They can not do that. There is a case in Oklahoma.

Mr. CHASE. They are doing it at home.

Representative STEPHENS. The Supreme Court held recently that they could not do that during the trust period.

Mr. CHASE. We are here to complain of these things, and under existing circumstances our Senator from Nebraska, Mr. Brown, was prevailed upon by politicians and people who knew not our conditions, to pass a bill in the nature of a tax bill—we call it the "Brown tax bill"—to tax these lands that the trust was extended on. And the act of 1882 provides that no encumbrance—that these lands should be given to the Indians free of all charge or encumbrance, and if a tax is to be levied against these lands it would be an encumbrance, which would be a charge upon the land, but they voted that. And Congress passed a law giving the Secretary of the Interior—if I had a piece of land that the trust was extended on, and I happened to have some funds in the hands of the Secretary of the Interior, that Indian agent can take it out of my pocket and pay it over to the county authorities without my consent. I say that is in violation of our rights as human beings.

Representative STEPHENS. I think if you will examine the Oklahoma case you will find out the matter has been determined and they can not do it. It is on all-fours with your case.

Mr. CHASE. We know that; but here is money in the hands of the Secretary of the Interior, and there is the Attorney General to

advise that that tax law is absolutely unconstitutional. Let the other fellow strike for that money and put us on the defense.

Representative STEPHENS. Why do not your Senators and Congressmen introduce a bill to repeal the law of Congress that permits that land to be taxed?

Mr. CHASE. I presumed this matter would be called to the attention of Congress.

Representative STEPHENS. You must understand the situation this commission is in. This commission is only to investigate matters not of legislation, but that are injuring the Indians where some wrong has been committed. This is in obedience to law, absolutely, and I do not see what jurisdiction we would have in the matter. This is a legislative matter, or a judicial matter—one of the two—and we are not examining into those things. Of course, we can hear it and make a record of it, and we are glad to hear you on it; but it seems to me your remedy is through legislation or through the courts. I do not know what Senator Lane thinks about it.

Senator LANE. I was about to suggest that if he will prepare a little brief on it and let us have it, I will undertake to pass it on to Senator Norris and get him interested in it, and maybe we can get something started to relieve you.

Representative STEPHENS. I think so.

Senator LANE. Will you do that?

Mr. CHASE. Yes; we can do that.

Representative STEPHENS. You gentlemen are all voters, are you not?

Mr. CHASE. Supposed to be.

Representative STEPHENS. You ought to be very close to the politicians if you can vote.

Senator LANE. Are these gentlemen with you all Omahas?

Mr. CHASE. All Omahas; yes.

Senator LANE. Now, if you will make a brief of it—boil it down—and let us have it, we will present it—

Mr. CHASE. We thought that this commission ought to guard—

Senator LANE. We will help you.

Mr. CHASE (continuing). Ought to guard Congress from passing any laws violative of existing agreements with the Indians without their consent. And this thing of people running down here and thrusting upon our people legislation which is uncalled for—and then, if our people did agree to it, it was in violation of some existing treaties, which is not fair.

Senator LANE. Well, if it is working a hardship on you, you want it corrected.

Mr. CHASE. And we think that Congress ought to bend its forces to winding up our affairs instead of extending the time. We have to meet it sometime, and this generation is better fitted to meet what is coming than our youngsters, who will be left without anything to meet these conditions.

Senator LANE. Then you will brief the case for me?

Mr. CHASE. Yes; I will.

(Thereupon, at 9.45 o'clock p. m., the joint commission adjourned to meet at the call of the chairman.)

WASHINGTON, D. C., *October 23, 1913.*

HON. JOE T. ROBINSON,
United States Senate.

SIR: I have been requested by Mr. W. E. Estill, of the Omaha Reservation, Nebr., to hand the inclosed letter to you. I have heard of the action of this man Preston from another source, and it would seem that his conduct should be looked into by some one in authority who is independent of the Indian Office.

The trouble with investigations made by the Indian Office seems to be that they are made from the inside, and on that account are not independent enough to result in much good. I trust that you may be able to do something for the benefit of the Indians on the Omaha Reservation as to Mr. Preston.

Yours, truly,

ROBT. T. LANG.

WALTHILL, NEBR., *October 16, 1913.*

HON. JOE T. ROBINSON,
Washington, D. C.

DEAR SIR: The farmers of the Omaha Reservation are now struggling to uphold their rights against the unreasonable theories of a young man named C. O. Preston, who holds the position of boss farmer on the Omaha Indian Reservation. It is through him and under his supervision that all leases are now made and approved and the farmers here charge him with being arbitrary, dictatorial, and unreasonable in some of his rulings, to the extent of damage and great injury to some of us who have held leases here for years and who have taken pride in our farming operations.

A number of affidavits from leading farmers have been collected and some of them forwarded to Hon. Cato Sells, Commissioner of Indian Affairs. These should have been forwarded to you for the reason that any complaints going to the office of the Commissioner of Indian Affairs are referred back to the superintendent for adjustment and report. While we believe in our superintendent and have faith in his integrity he is a little disposed to uphold Preston in some of his acts, although it is said Preston has been hauled on the carpet by him for others of his rulings and general conduct.

A number of acts of Preston may be and will be cited to you for investigation, if you wish, but I think you can get enough at the office of Mr. Sells to satisfy you that investigations should be made of Preston's acts independent of any report made by the superintendent here upon the matter.

One instance of an injustice to me and to the Indian dealing with me on land adjoining my holdings may be cited, and I ask to have this investigated at once by Mr. Sloan or some one close at hand while the facts are fresh and easily obtainable.

Mary White is an old decrepit Indian woman on list 3, and her leases are made at the office for her, she being privileged to sign the same. Preston, the farmer, gave it out, as he did with other good farmers, that no more leases would be made at the office for me. I asked by letter to Preston for a reason for this, admitting, as he did to my men, that the lands leased by me were splendidly farmed. My letter was ignored. Threats were then made by Preston to cancel all my leases. One of these leases does not expire until March 1, 1916, on which land—160 acres—I have about \$3,000 worth of improvements belonging to me until the expiration of said lease. Preston gave it out that he had asked for authority to cancel my leases. Now, under these circumstances, I went to Mary White and asked to lease her land and offered the sum of \$3.75 per acre for it. I explained to Walker, her son-in-law, the situation. He talked to Mary and she was willing for me to have the land and waited over 60 days for me to make up lease with her. I agreed to sow all the land to alfalfa the first year also.

Mr. William Tompkins wanted the land and had offered \$3.50 per acre for it. Last week he went to the office, and with the aid of Preston, secured a lease on the land (NW. $\frac{1}{4}$ SE. $\frac{1}{4}$ 1-25-S) at his price. Preston telling Mary White the office would not lease to me. My lands are the SW. $\frac{1}{4}$ 1-25-S, adjoining Mary White's land. Mary White, by this ruling, is chiseled out of the sum of \$10 per year on her 40 acres for five years, making a total of \$50. I would like to have a comparison made between the farming done by me and that done by Tompkins.

I asked Mr. Sloan to look into this, but he said he had no orders to do so, although he thought it ought to be done at once.

To others Preston said he was going to cut out the automobile farmers. This meant that the farmers living in town would be cut. I know of a lease

recently made to a man in town and who lives in town and in the mercantile business, who is not a farmer, under the direction of Mr. Preston. This man told me recently that I would have to get down on my knees to Preston and talk nice to him and I would likely get all my leases back, as that was the way he did it.

I will say that we had twins come to us and I moved to town to take care of them, although much of my time is spent at the farm. This is why I moved to town, and I want to stay here this winter on that account. I intend going back to the farm on March 1, Preston to the contrary notwithstanding.

As to his arbitrarily canceling my leases, he will have to fight over every inch of territory between here and perdition before he will succeed.

"This is an Indian reservation, but it is no kingdom," quoting from a paper published in a neighboring town, a clipping of which I am mailing you.

To one of our best citizens Preston recently made this remark, on being told that I was bitterly protesting against his ruling: "I will show him what a real Government official is." He meant, no doubt, that his power and privilege is indisputable.

Mr. Robinson, I wish to say that I fought Republican rule since I came to this country from Kentucky 15 years ago. I have lived to see this country, always Republican, in the hands of Democrats for the past 10 years. It has taken fighting to do it. We told the Indians that our wrongs and theirs was the result of misrule and it would be remedied when the Democrats took the reins of power. The Indians of the country voted with us. Is this the result of our efforts for Democracy?

Kindly let me hear from you as soon as possible.

With best wishes, I beg to remain, as ever,

Sincerely, yours,

WILL E. ESTILL.

(Paper referred to follows.)

OCTOBER 24, 1913.

HON. ROBERT T. LANG,

600 F Street NW., Washington, D. C.

DEAR SIR: Your letter inclosing communication from Mr. W. E. Estill, of the Omaha Reservation, addressed to Senator Robinson, has been received. Senator Robinson is at present in the West on the business of the joint commission and will not return to the city for several days. As soon as he returns your letter and the letter from Mr. Estill will be called to his attention.

Yours, very truly,

R. B. KEATING, *Secretary*.

MACY, NEBR., 22, 1913.

MR. JOE ROBINSON,

Washington, D. C.

DEAR FRIEND: I am Omaha Indian. I make complaint to your committee about Mr. Preston, boss farmer. He try to make me sell land through Macy office. I ask for patent in fee for 200 acres. Preston try to make me sell land through the office. He say if I fight him he put me back on list 3, so Government lease all my land for me. I got 335 acres land. I try to keep it for my boy. I don't sell. I can get \$5 acre, 5 years, for 200 acres, to lease it. Lease money pay my debts on home and all my stuff. I wish your committee look at my case in Indian Office down there; see all my letters for two years now. Indians don't want Mr. Preston; white men don't want him.

Our people want Mr. Tom Sloan down here right away. He knows about things here.

Your friend,

FRED MERRICK.

I wish you write Mr. Sloan come here right away. We want him here pretty bad.

WASHINGTON, D. C., October 29, 1913.

HON. JOE T. ROBINSON,

Chairman Joint Commission, United States Senate, City.

SIR: You will find inclosed a letter addressed to you in my care, the writer no doubt being in doubt as to how to reach you and thinking that I would know how to do so.

The Indians of the Omaha Reservation, Thurston County, Nebr., are, I am advised, very much concerned about the actions and statements of Mr. Preston, a boss farmer of that reservation. From all accounts he should be looked after, as he does not seem to be a proper person for the responsible position he has at present.

Respectfully,

ROBT. T. LANG.

NOVEMBER 10, 1913.

MR. FRED MERRICK,
Macy, Nebr.

DEAR SIR: Your letter, addressed to Senator Joe T. Robinson and forwarded to this office by Mr. Robert T. Lang, has been received. Senator Robinson is at present in the West on the business of the joint commission to investigate Indian affairs and will not return to the city for some time. As soon as he returns your communication will be called to his attention.

Very truly,

R. B. KEATING, *Secretary.*

WALTHILL, NEBR., *March 19, 1914.*

WILL E. ESTILL,
Washington, D. C.

DEAR SIR: Inclosed James McKeegan letter. It was sent in this form instead of affidavit, and affidavits can be supplied later if desired.

You will note he requests that the Indian Office furnish all data on Preston and all complaints to the committee. There are undoubtedly many letters there from Dunn and others. He also requests that Preston make a written reply.

Put this up to them strongly, and if they can be made to see the actual facts they will dispose of Preston. This letter does not make his case half as strong as it could be made and does not do real justice to the facts. If the committee could know Preston as we know him he would not hold his place 15 minutes.

Please acknowledge receipt and oblige.

Yours, very truly,

E. W. ROSSITER.

WALTHILL, NEBR., *March 19, 1914.*

TO THE SENATE INVESTIGATING COMMITTEE,
Washington, D. C.

DEAR SIR: I wish to lay before you briefly some facts with reference to the leasing of lands on the Omaha Indian Reservation in Nebraska, and particularly with reference to the conduct of one C. O. Preston, so-called expert farmer of the Omaha Indian Agency.

For seven years past I have leased and farmed the S. $\frac{1}{2}$ of the NE. $\frac{1}{4}$ of 9-25-8 and other Indian lands adjoining my home farm of 120 acres. The lease on this piece of land expired on March 1, 1914. In the fall of 1913 I secured a new lease from the Indian owner, Margaret Pappan Grant. This lease was forwarded to the Indian office for approval, and held for a period of 60 days before the same was finally returned to me disapproved.

A telephone call to the Indian office at Macy, Nebr., brought the information that if the sum of \$380 was paid for certain buildings in lieu of erecting same the lease could be returned and approved; that this was the only obstacle that stood in the way. Reports circulated in my neighborhood were to the effect that another individual was to have the land. Upon hearing this report, the agency was again phoned to to learn if there was anything further necessary to secure the approval of the lease, and the reply was to the effect that it was being considered.

The matter so stood until Saturday, December 27, 1914. C. O. Preston drove to my farm to say that they had received an increased offer for this 80 acres of land and unless I met the offer it would be leased to the new man. I asked him until Monday, the 29th of December, to consider, and he assented. On that day my son drove to Macy, Nebr., and called at the agency office to accept the new terms of lease, only to learn that the lease to the new man had been approved on this same land on Wednesday, December 24, 1913, three days before C. O. Preston ever came to my place.

This is only one instance where C. O. Preston has been known to misstate the facts. He thought he would appear to give me an opportunity to meet the new bid, as is customary with the old leaseholder, and at the same time give the land to the new man without an opportunity for me to actually meet his bid. This new man offered to pay the Indian owner money for signing the lease and agreed to buy her a team of horses, contrary to the rules of the office governing leasing. Affidavits of this fact were filed with the office, but were not considered, it being alleged that the Indians were influenced to sign same.

In addition to this fact C. O. Preston has held up all my leases and my son's leases. In fact, he has endeavored to secure other renters for all my lands, and endeavored to compel the Indians to lease to others. At the present time I have only one 40-acre Indian lease. The last lease made to my son has been in the agency office six months, and only after every effort was made by C. O. Preston to get some one to take it from him, and he was unable to find such a man, did he permit the lease to be approved.

Now, gentlemen, I am not able to cover the facts as fully as I should wish in a brief letter. I wish, however, that you would call upon the Indian Office for a statement of the facts in this case as they have them; also, call upon Mr. C. O. Preston for a written reply to this statement.

I have lived on his reservation for 25 years and never had any difficulty with the Indian office in any of my transactions with the office or the Indians. This man Preston is not the proper man to have such discretionary powers as are given to him. He is continually abusing his authority, and will not hesitate to use questionable methods to advance himself in the eyes of his superiors. He does not hesitate to misstate facts to bolster up his case. A man of his character should not be permitted to exert his influence among a tribe of Indians when it will certainly work ill among them. There is too great a tendency to make a record on a part of many employees by stirring up trouble and making lots of noise, regardless of the best interests of the Indian.

This man has had much trouble on this reservation and the Indian Office is undoubtedly the recipient of many complaints, but no satisfactory action has been taken. Nothing less than removing such a man from the service would be sufficient in this case.

Your careful consideration of this matter will be greatly appreciated.

Yours, very truly,

JAMES McKEEGAN.

WASHINGTON, D. C., February 14, 1914.

Senator J. T. ROBINSON,
Washington, D. C.

MY DEAR MR. ROBINSON: I am forwarding to you a request from Winnebago, Nebr., located in my district, asking for an investigation of the Winnebago and Omaha Agencies. I think it would be a good idea to have an investigation made there, and if your committee has not finished its work I would recommend a special inspector to these two agencies, both operated under one superintendent, and let him make a thorough investigation as to their method of doing business. I have had a great deal of demand for this sort of investigation for sometime.

Kindly advise me whether or not you can make this investigation.

Yours, very truly,

DAN V. STEPHENS.

Hon. DAN V. STEPHENS,
House Office Building, Washington, D. C.

FEBRUARY 18, 1914.

MY DEAR SIR: I am in receipt of your letter of the fourteenth instant, inclosing a letter signed by W. E. Whitcomb and John Ashford and affidavits by John Ashford and W. E. Whitcomb, Jane Hill Earth, and John Painter, relative to matters in connection with the administration of affairs at Omaha and Winnebago Agencies.

An investigation of these agencies will be considered by the commission at the earliest practicable date, and your recommendations will be given careful attention.

Yours truly,

JOE T. ROBINSON, *Chairman*.

WINNEBAGO, NEBR., February 7, 1914.

HON. DAN V. STEPHENS,

Member of Congress, Washington, D. C.

DEAR MR. STEPHENS: Your letter asking for specification of charges against Mr. Upchurch as a basis for asking for an investigation of matters here received, and would have had more prompt answer but for the fact that an inspector has been here and had said in the beginning that he would take these matters up though he had no orders to do so; but yesterday he informed us that he was in doubt as to what he ought to do and intimated that he would not go into the matters without instructions. This man's name is Rosencrans. I had always understood that Congress was investigating generally all Indian agencies, and did not understand the necessity of filing charges of corruption or otherwise to obtain an investigation. It is distasteful to us to file complaints and charges against officials of the department, they have a hard enough time to manage their job, and naturally dissatisfaction is occasioned by their action. Absolute corruption or gross incompetency is about the only thing I think that justifies a man in filing complaints with the Indian Office. I inclose you affidavit of John Painter, which will explain itself. Dr. Painter is a helpless old Indian, one of the few left who needs special care to protect his interests, and investigation of the matter will convince anyone that this deal was corrupt.

Jane Hill also received a patent to land, a fee simple patent. Jane Hill has never seen this patent, her land has been sold at a low figure: Jane Hill does not know to whom it was sold, says she never saw him.

Now, Mr. Stephens, we want you to try and see to it that Mr. Sloan be sent here to examine these matters mentioned and also any and all other irregularities and acts of corruption that may be called to his attention or discovered by him. There are many other allegations of graft and wrongdoing that I might mention, but what I have called attention to is certainly sufficient to call for an investigation. The congressional investigation asked for will bring back to us an official of the Indian Office who will likewise undoubtedly investigate the same matters. We have tried to have the present inspector examine into this without telling him or disclosing to him fully the exact situation of affairs, for we know by past experience how these people stick together, and while we believe the inspector is probably all right we did not care to give him the exact facts as to what he would find, but wished him to go to examine the witnesses by whom these facts could be proven, and this he has declined to do. Hoping you will be able to get us the investigation as we desire it, we are,

Very truly, yours,

W. E. WHITCOMB.

JOHN ASHFORD.

AFFIDAVIT.

STATE OF NEBRASKA, *Thurston County*, ss:

John Ashford and W. E. Whitcomb, of Winnebago, Nebr., of lawful age, and each being first duly sworn, on oath states: That Jane Hill Earth has made all of the statements contained in a paper hereto annexed and marked "Exhibit A" for identification; that these statements were freely made by the said Jane Hill Earth; that Jane Hill Earth declined to sign the said affidavit, stating that she was afraid to sign it, but that the statements were all true.

Affiants state that they have examined the land sold by Upchurch of Jane Hill Earth, and that the value of the land is \$80 or \$85 per acre, at least. Affiants state on information and belief that the sale of said land was first made to John S. Spear in trust; that the said John S. Spear then deeded the land back to Jane Hill Earth, who then deeded the land to Charles Guernsey; that Charles Guernsey is not the real owner of the land, and that his name appears in the title for the purpose of covering up and concealing the real transaction, which in truth and in fact affiants believe was a transaction between Mr. Upchurch and Mr. Small. And that Jane Hill Earth, in connection with the deal, did and has done only as she has been told to do by Mr. Upchurch, and received \$700 less than the land could be sold for ordinarily for cash. Further affiants sayeth not.

JOHN ASHFORD.

W. E. WHITCOMB.

Subscribed and sworn to before me this 7th day of February, 1914.

[SEAL.]

A. M. SMITH, *Notary Public*.

EXHIBIT A.

STATE OF NEBRASKA, *Thurston County, ss.*

I, Jane Hill, with nothing to disclose, depose, on oath depose and say that she is a full-blood Winnebago Indian woman of lawful age and living on the Winnebago Indian Reservation in Nebraska; that Charles Earth is her husband; that on or about the 1st day of December, 1913, she was told by the officials at the agency that she had received a fee-simple patent to the SE. $\frac{1}{4}$ of the SW. $\frac{1}{4}$ of Sec. 2, T. 26 N., R. 7 E., Nebraska county, 1000'; that she would say this fee-simple patent which she was told had been sent there to her in the name of Jane Hill; that some time after the 1st of December, 1913, deponent was called into the office by Mr. Upchurch to sign some papers which she was told were to give the land to the agent, Mr. Spear, and that on the representation made to her by Mr. Upchurch she signed papers and left them there; that she was afterward called again to the office and was told that she had sold her land, and was asked to sign papers again by Mr. Upchurch, which she did. After this was done she was told to go to Homer and that she could get the money. She said that she did not wish to go to Homer, and so Mr. Upchurch got money and gave it to her the next day in the amount of nearly \$700; that shortly after receiving this money deponent gave nearly all of it to C. J. O'Connor, to whom she was indebted, and who claimed that she owed him this amount. Deponent does not know how much exactly she gave to O'Connor, and does not know other than by the statement of Mr. O'Connor, verbally made, how much she owed him. Deponent states that she never saw the purchaser of the land and does not know of her own knowledge how much he gave for the land; that she was never given a patent to the land in her own hands, and never saw this patent. The whole transaction was arranged by Mr. Upchurch between Mr. Upchurch, Mr. Small, and Mr. O'Connor. And further affiant sayeth not.

Subscribed and sworn to before me this 7th day of February, 1914.

Notary Public.

STATE OF NEBRASKA,

Thurston County, ss.

John Painter, being first duly sworn, on oath deposes and says that he is a Winnebago Indian and a son of Dr. Painter; that Dr. Painter is a full-blood Winnebago Indian; that Dr. Painter needed to buy hay for feed for his ponies, and the agency farmer, Mr. Upchurch, bought the hay for him from a man by the name of C. C. Frum. The hay was bought in the stack and was worth about \$10 a ton; that the stack bought actually contained not more than six nor less than four tons of hay; that Mr. Upchurch said that stack of hay contained more than 13 tons, and induced my father, Dr. Painter, to pay C. C. Frum \$148.50 for that stack of hay, and the hay is pretty nearly all used up now, and I don't think it had more than 4 tons in it. Deponent states that he is certain that his father was cheated on this little hay deal almost \$100, and further affiant saith not.

JOHN PAINTER.

Subscribed and sworn to before me this 6th day of February, 1914.

[SEAL]

A. M. SMITH, Notary Public.

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